



"Making a Difference"

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING COMMISSION**

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<b>MEETING DATE</b> November 16, 2004	<b>CONTACT/PHONE</b> James Lopes (805)781-5975	<b>APPLICANT</b> Paso Pacific Properties, LLC	<b>FILE NO.</b> DRC 2003-00094
<b>SUBJECT</b> Request by Pacific Tank and Construction / Paso Pacific Properties, LLC for a Conditional Use Permit to allow a tank assembly, fabrication and installation business on an approximate 1.8-acre portion of a 10-acre property in the Commercial Service land use category. The project is located at 17995 Highway 46 East, approximately 2.6 miles north of the community of Shandon, in the Shandon-Carrizo Planning Area.			
<b>RECOMMENDED ACTION</b> 1. Approve the Revised Mitigated Negative Declaration. 2. Approve Conditional Use Permit DRC2003-00094 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Revised Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on October 14, 2004 for the project.			
<b>LAND USE CATEGORY</b> Commercial Service	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NUMBER</b> Ptn. of 017-131-039	<b>SUPERVISOR DISTRICT(S)</b> ①
<b>PLANNING AREA STANDARDS:</b> Land Use Ordinance Section 22.112.020.C was revised by the Board of Supervisors on October 5, 2004 and is in effect. It allows the proposed use within the Fabricated Metal Industries use group, limited to rural or agricultural applications or operations, and it requires a discretionary land use permit.			
<b>EXISTING USES:</b> Automobile recycling and scrap			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Agriculture/Grazing <i>East:</i> Agriculture/Grazing <i>South:</i> Agriculture/Grazing <i>West:</i> Agriculture/Grazing			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was referred to: Shandon Advisory Committee, Public Works, APCD, Environmental Health, CDF/County Fire, CalTrans			
<b>TOPOGRAPHY:</b> Nearly level		<b>VEGETATION:</b> Scattered trees, shrubs	
<b>PROPOSED SERVICES:</b> Water supply: On-site Sewage Disposal: On-site Fire Protection: CDF		<b>ACCEPTANCE DATE:</b> June 10, 2004	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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### PROJECT HISTORY

The proposed use is a metal storage tank construction business that delivers parts and constructs tanks primarily in rural locations around the state. The applicant's business receives metal tank components, makes modifications such as adding ladders and vents, and then delivers the components to customers' sites for installation. The applicant expects to employ approximately seven people, and have approximately 20 truck trips per week.

Since acquiring the property, the applicant had a Phase I Site Environmental Assessment prepared that evaluated the presence of hazardous materials. The applicant also removed vehicles and debris from the former wrecking yard, covered most of the site with decomposed granite, and refurbished the existing building. The applicant requested and received departmental approval to continue aspects of the previous vehicle recycling and scrap use during the review of the ordinance amendment and this permit. Operation has been limited to vehicle maintenance, refurbishing the site and building, and installing related equipment.

On October 5, 2004, the Board of Supervisors approved revisions to Land Use Ordinance planning area standards that apply to the site, to allow a broader range of uses that are limited to rural and agricultural operations, and to require a discretionary land use permit.

### PROJECT ANALYSIS

#### *Ordinance Compliance*

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Minimum Site Area	No standard	1.8 acres
Setbacks		
Front	10 feet	40 feet
Side	No side setback required	30 feet
Rear	No rear setback required	70 feet
Height	35 feet	Approximately 25 feet
Signs	100 square feet	No new signs proposed

#### *Site Development*

The application proposes to utilize the existing entry point at Highway 46 East and a loop circulation route within the site for truck traffic. An additional office modular building is proposed perpendicular to the highway and existing shop building. Outdoor storage and use areas take up most of the site. Major issues involved the disposition of the previous wrecking yard use concerning hazardous materials and potential pollution, safe access to and from Highway 46 East, ensuring the safe handling of hazardous materials, and bringing the site into consistency with contemporary standards for compatibility with the rural, open character of the surrounding setting.

The applicant has supplemented his efforts refurbishing the site by establishing good community relations with organizations such as the school district and others, as evidenced by letters of support attached in Exhibit D. The use is seen within Shandon as potentially enhancing employment and income within the community. Remaining issues are to achieve full compliance with Land Use Ordinance standards and meeting mitigation measures of the Mitigated Negative Declaration. A potential problem with the site's location is that Highway 46 East is planned to be realigned approximately one-quarter mile west within the next 10 years, which would place the site well away from the highway and thus needing a new access drive and point of entry. A condition

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is proposed to create an access easement and drive with an entry point to the realigned Highway 46 East with the approval of Caltrans before completion of the new route.

**Landscaping**

The applicant has proposed screening landscaping within the 10-foot front setback as shown on the site plan (Exhibit A). In the environmental determination, the visual assessment indicated that a landscape screen on the other north, west and south sides of the site is necessary to minimize aesthetic impacts. The project has been conditioned to provide a new landscaping plan to adequately screen the site from views from Highway 46 East, in its current and pending alignments. Internal landscaping is also required to provide 60 percent shading of the parking areas.

**Fencing and Screening**

Solid fencing is required on the side and rear property lines of a commercial site that is bounded by another land use category. Since the site is surrounded by the Agriculture land use category and is a portion of a larger property, the standard is applied to the boundaries of the project site, to be set back within a landscape screen.

**Exterior Lighting**

Exterior lighting cannot create off-site glare and shall be directed downward. The project has been conditioned to provide a lighting plan to comply with these standards and the negative declaration.

**Access**

Caltrans will require an encroachment permit for the new use; additional improvements were not identified as necessary by a traffic study. A condition requires approval of an encroachment permit before operations begin.

**Planning Area Standards**

22.112.020.C.1 *Service Commercial Area Defined.* The site is within the required boundaries.  
22.112.020.C.2 *Limitation on Use.* The proposed use is within the allowed Fabricated Metal Industries use group. It is oriented to rural and agricultural tank installations.

**Environmental Determination**

The environmental determination was made for this project as well as the application for the Land Use Ordinance amendment, which was approved by the Board of Supervisors on October 5, 2004. Subsequent to the Board of Supervisors' approval of the amendment and its mitigated negative declaration, revisions were made for this project and circulated within the required time frame. The revisions include information provided during the ordinance application hearings, and address the project-specific impacts that were identified.

The initial study found that potentially significant impacts could occur to aesthetics, air quality, biological resources (kit fox habitat), safe use of hazardous materials, and water quality. Mitigation measures were identified that will reduce levels of impacts to below significance. The measures are included as conditions of approval, reflecting the agreement of the applicant in the developer's statement, which is attached to the mitigated negative declaration.

**COMMUNITY ADVISORY GROUP COMMENTS:** Shandon Advisory Committee provided comments twice in support of the ordinance amendment and project, attached.

**AGENCY REVIEW:**

**Environmental Health** - Concerns about soil conditions and hazardous materials usage  
**Agriculture Department** - Concerns about dust impacts to agriculture that are mentioned in June 1, 2004 memo are met by APCD review, per phone conversation October 25, 2004 with Lynda Auchinachie.

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**CDF** - See attached fire safety plan

**APCD** - Concerns regarding construction phase and operational emissions. A permit to operate was completed on September 8, 2004.

**Cal Trans** - Concerns about traffic impacts on Highway 46 East

**LEGAL LOT STATUS:**

The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

**EXHIBITS**

- Exhibit A - Findings
- Exhibit B - Conditions of Approval
- Exhibit C - Vicinity, LUC Maps and Site Plan
- Exhibit D - Revised Mitigated Negative Declaration
- Exhibit E - Correspondence

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**FINDINGS - EXHIBIT A**

***Environmental Determination***

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Revised Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 14, 2004 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Hazards/Hazardous Materials, and Water Quality and are included as conditions of approval.

***Conditional Use Permit***

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use in the Commercial Service land use category and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the tank construction business will not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will be consistent with the character of the immediate neighborhood and not contrary to its orderly development because the tank construction business will occupy an existing Commercial Service site, be screened with additional landscaping, and will not conflict with surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project, because the project is located on Highway 46 East, a State highway constructed to a level able to handle any additional traffic associated with the project.

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**EXHIBIT B - CONDITIONS OF APPROVAL  
PACIFIC TANK & CONSTRUCTION (DRC 2003-00094)**

*Note: Mitigation measures from the Revised Mitigated Negative Declaration (MND)  
are incorporated in the conditions with referencing notations.*

**Approved Development**

1. This approval authorizes a tank fabrication, construction and installation business on a 1.8-acre portion of a 10-acre site within an Identified Commercial Service land use category. Signs shall be subject to a separate sign permit.
2. All development shall be consistent with the approved site plan, floor plan, and architectural elevations.

**Site Development**

3. **Prior to issuance of a construction permit or establishment of the use**, submit elevations or product information that depicts the design, colors and materials of the proposed office building and of the waste enclosure. Colors shall be consistent with the existing structure and be subdued earth tones rather than white. Reflective surfacing shall not be utilized.
4. **Prior to issuance of a construction permit and occupancy or start of operations**, submit a landscape and fencing plan to the Department of Planning and Building for review and approval. The plan shall provide solid fencing and screening landscaping at the entrance and all sides, to screen the site and structures from public view from the existing and realigned Highway 46 East.
  - a. Solid fencing shall be shown on all sides of the site, at a minimum six-foot height, to be located outside a 10-foot landscape setback.
  - b. Extensive screening landscaping shall be shown within a 10-foot landscape setback on all sides of the project site, to be comprised of native and/or drought-tolerant shrubs and trees that are typical of or similar to the North County climate and the Shandon area.
  - c. Shade tree installations shall be shown to screen sixty percent of parking areas within 10 years of planting.  
(AE-1 of the MND)
5. **Before final building inspection or occupancy and start of operations**, landscaping in accordance with the approved landscaping plan shall be installed or bonded for. If bonded for, landscaping shall be installed within 60 days after final building inspection or start of operations and thereafter maintained in a viable condition in perpetuity, except that landscaping on the west side of the site may be bonded for installation at the time that the realignment of Highway 46 East commences in construction.  
(AE-1 of the MND)
6. **Prior to issuance of construction permits and/or start of operations**, the applicant shall provide details on all proposed exterior lighting, if applicable. The details shall include the type, height, location, and intensity of all exterior lighting. All lighting fixtures shall be downward directed and shielded at full cut-off so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

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7. **Prior to issuance of construction permits and/or start of operations**, all utilities on-site shall be installed underground. Back-flow preventer and other related valves shall be installed inconspicuously within the limitations of the respective agencies and codes. Where necessary to install them within setbacks, they shall be screened with landscaping.
8. Site Surfacing shall be a minimum of four inches of decomposed granite in all outdoor use and storage areas, to be maintained in good and serviceable condition at all times.
9. **Prior to final building inspection or occupancy and start of operations**, 23 parking spaces shall be provided as shown on the site plan, to be marked and/or signed and provided wheel stops or concrete curbing in accordance with the Land Use Ordinance parking construction standards.
10. Removal of existing trees is not approved at this time; future removal of trees for this project shall be subject to first obtaining Planning Department review and approval.
11. **Prior to issuance of a construction permit/establishment of the use**, Obtain an encroachment permit from Caltrans to allow access to and work to be done on state Highway 46 East.
12. **Upon the realignment of Highway 46 East and prior to closure of the existing alignment**, obtain an access easement across intervening property to the new aligned highway, and obtain an encroachment from Caltrans for access prior to completion of construction of the new alignment.

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**Drainage/Water Quality/Hazardous Materials**

13. **Prior to issuance of construction permits and/or start of operations**, the applicant shall submit a drainage plan to the Public Works Department to provide drainage, erosion and sedimentation controls in compliance with Land Use Ordinance, Section 22.52.080.
14. **Prior to issuance of construction permits**, the applicant shall submit documentation of a Waste Discharge Report (WDR) permit and/or National Pollutant Discharge Elimination System (NPDES) permit, and Stormwater Pollution Prevention Plan (SWPPP) approved by the Regional Water Quality Control Board (RWQCB) and State Water Quality Control Board (SWQCB), or documentation stating why these permits and plans were not required.  
(W-1 of the MND)
15. **Prior to issuance of construction permits**, the applicant shall prepare a Hazardous Materials Business Plan and a Spill Prevention and Contingency Plan for the review and approval of the County Department of Environmental Health Services. The plans shall address an inventory of on-site hazardous materials, emergency response procedures, usage training, safe storage and handling, and spill prevention of oils, paint, and any other hazardous materials.  
(HM-1 of the MND)

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**Air Quality**

16. **During ground disturbing activities**, the applicant agrees to adhere to the following dust control measures:
  1. Reduce the amount of the disturbed area where possible;
  2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would

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be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;

3. All dirt stock-pile areas should be sprayed daily as needed;

17. **Prior to final inspection**, the applicant shall submit copies of all Permit to Operate permits issued by the County of San Luis Obispo Air Pollution Control District (APCD). (AQ-1 of the MND)

#### **Fire Safety**

18. **At the time of application for construction permits and prior to occupancy**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated July 16, 2002.
19. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

#### **Biological Resources** (BR1 - 11 of the MND)

11. **Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:
  - a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.5 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.
  - b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). Your fee, payable to The Nature Conservancy, would total \$3,750.00. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground disturbing activities.



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- c. Purchase 1.5 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 1.5 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

12. **Prior to issuance of grading and/or construction permits**, the applicant shall retain a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disk, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. **Before commencing with project activities**, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or

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known or potential kit fox dens at the project site could result in further delays of project activities.

- d. In addition, the qualified biologist shall implement the following measures:
  1. Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
    - a) Potential kit fox den: 50 feet
    - b) Known or active kit fox den: 100 feet
    - c) Kit fox pupping den: 150 feet
  2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
  3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.
13. **Prior to issuance of grading and/or construction permit**, the applicant shall clearly delineate as a note on the project plans, that: *Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox.* In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of your Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.
14. **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
15. **Prior to issuance of grading and/or construction permit**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed and distributed to all contractors, employers and other personnel involved with the construction of the project.
16. **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end

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of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

17. **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
18. **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
19. **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
20. **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.
21. **Prior to final inspection or occupancy, whichever comes first**, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:
  - a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";
  - b. If a more solid wire mesh or a solid fence or wall is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Any fencing constructed after issuance of a final permit shall follow the above guidelines  
(BR1-11 in MND)

#### Site Operation

22. The location of accessory site development, such as antennas, shall be located to minimize its appearance from Highway 46 East.

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23. Storage of materials shall be maintained below the height of the solid fencing at all times.

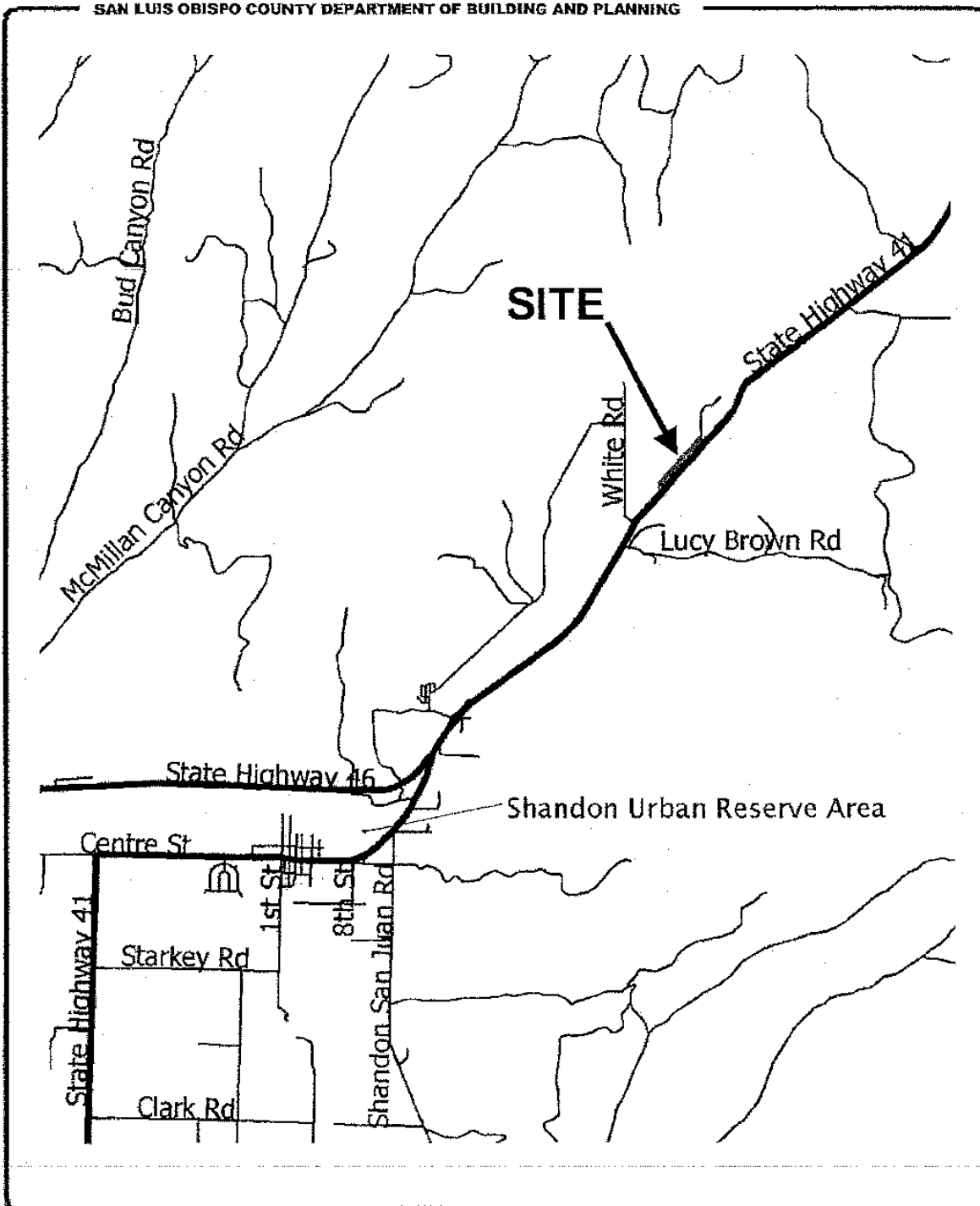
**Miscellaneous**

24. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
25. **Prior to final construction inspection or start of operations**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
26. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070.
27. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Report prepared by James Lopes, Planner III and reviewed by Warren Hoag, Division Manager, Current Planning.

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

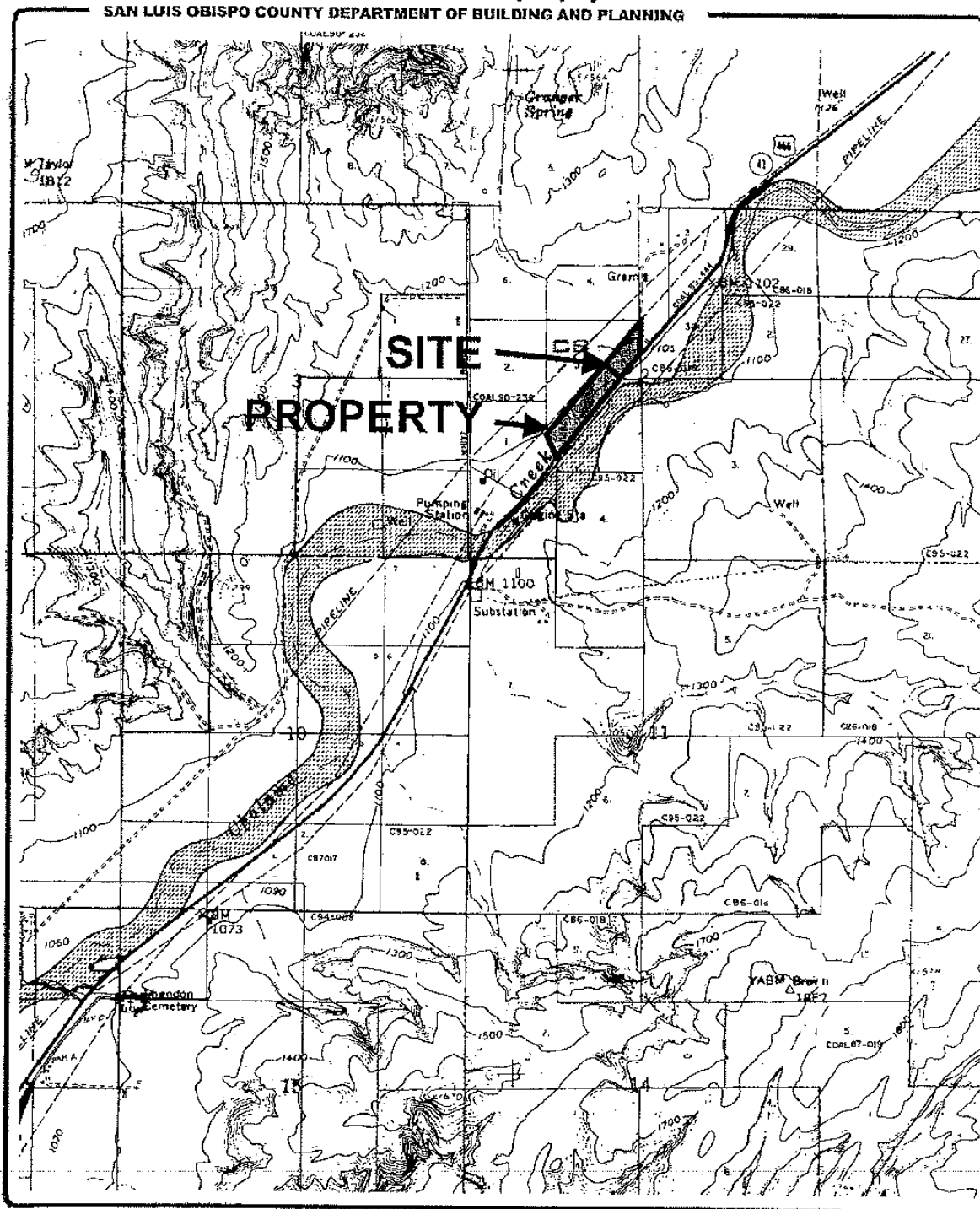


**PROJECT**  
Conditional Use Permit  
Paso Pacific Properties –  
DRC2003-00094



**EXHIBIT C**  
Vicinity Map

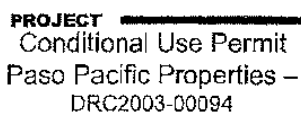
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**EXHIBIT C**  
Land Use Category Map



## APN Map

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



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Paso Pacific Properties –  
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**EXHIBIT C**  
2003 Aerial Photo



San Luis Obispo Department of Planning & Building

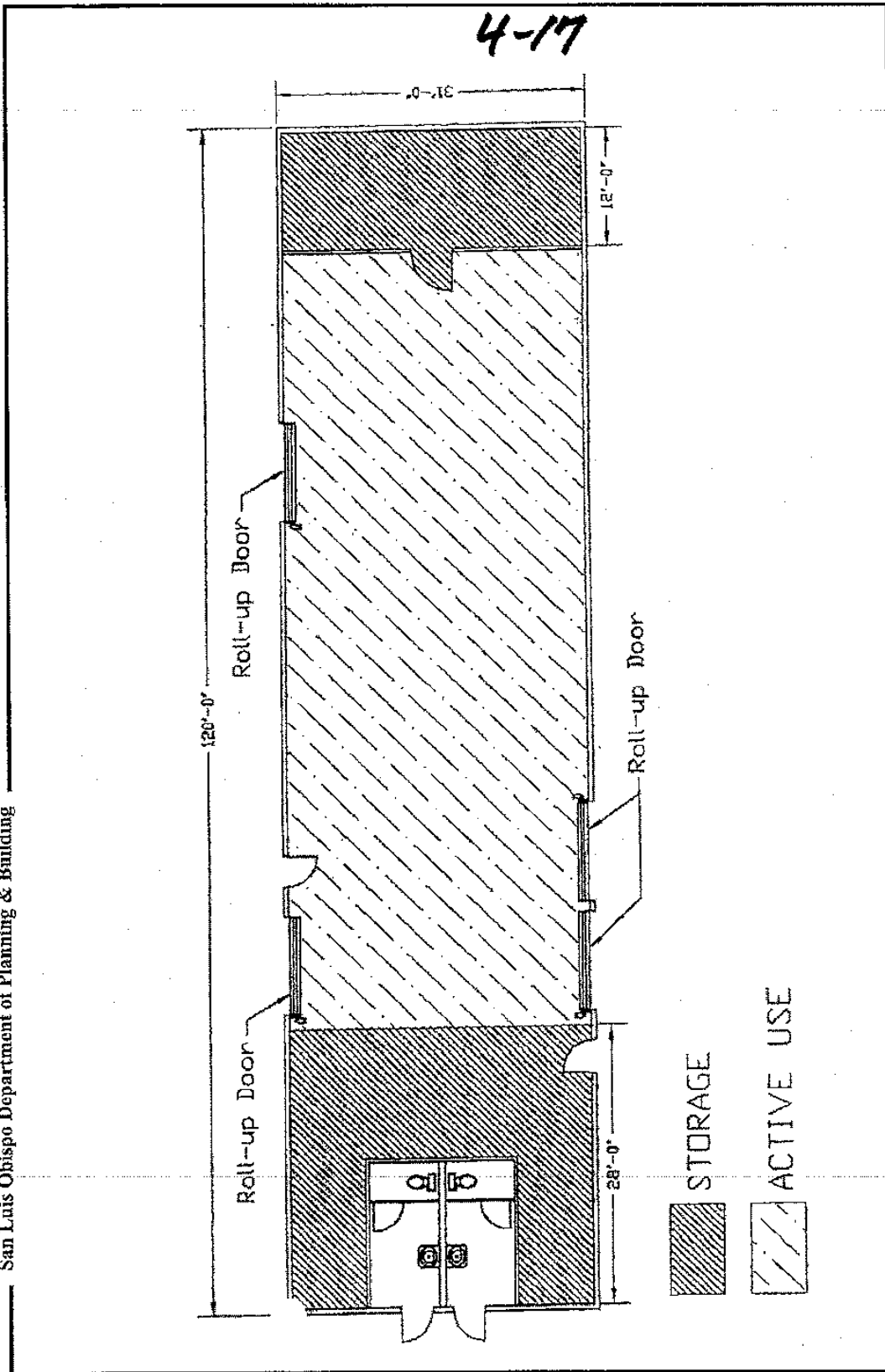


Exhibit C

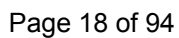
Floor Plan



Project

Conditional Use Permit

Paso Pacific/ DRC2003-00094



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EXHIBIT D

REVISED MITIGATED NEGATIVE DECLARATION

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**COUNTY OF SAN LUIS OBISPO  
REVISED INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & No: Paso Pacific Ordinance Amendment, ED03-425, G030016L  
And Conditional Use Permit DRC2003-00094**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics              | <input type="checkbox"/> Geology and Soils                      | <input type="checkbox"/> Recreation                            |
| <input type="checkbox"/> Agricultural Resources             | <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Transportation/Circulation |
| <input checked="" type="checkbox"/> Air Quality             | <input type="checkbox"/> Noise                                  | <input type="checkbox"/> Wastewater                            |
| <input checked="" type="checkbox"/> Biological Resources    | <input type="checkbox"/> Population/Housing                     | <input checked="" type="checkbox"/> Water                      |
| <input type="checkbox"/> Cultural Resources                 | <input checked="" type="checkbox"/> Public Services/Utilities   | <input type="checkbox"/> Land Use                              |
| <input type="checkbox"/> Mandatory Findings of Significance |   |  |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

<i>James Lopez</i>	<i>James Lopez</i>	<i>10-13-04</i>
Prepared by (Print)	Signature	Date
<i>John Nall</i>	<i>John Nall</i>	<i>10/13/04</i>
Reviewed by (Print)	Signature (for)	Date
	Ellen Carroll, Environmental Coordinator	

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**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

**DESCRIPTION:** - Proposal by Paso Pacific Properties, LLC to amend Section 22.110.020.C. of the Land Use Ordinance Shandon-Carrizo Planning Area Standards. The proposed amendment would replace a current limitation on use for the Commercial Service land use category that limits the uses on the site to only an automobile recycling and scrap operation with a new limitation on use standard that would allow metal industries (fabricated), small scale manufacturing, construction contractors, and farm equipment and supplies. Other potential uses considered include Agricultural Processing, Warehousing and Caretakers Quarters and Residential Accessory Uses. The uses are described below.

**Metal Industries (Fabricated):** Manufacturing establishments engaged in assembly of metal parts, including blacksmith and welding shops, sheet metal shops, machine shops and boiler shops, which produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

**Small Scale Manufacturing:** Manufacturing establishments not classified in another major manufacturing group, including: jewelry, silverware and plated ware; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; caskets; and other miscellaneous manufacturing industries. Also included are artisan and craftsman-type operations which are not home occupations and which are not secondary to on-site retail sales. Also includes small-scale blacksmith and welding services when accessory to another use.

**Construction Contractors:** Service establishments primarily engaged in construction, including new work, additions, alterations, and repairs. Construction activities are generally administered or managed from a relatively fixed place of business, but actual construction work is performed at one or more different sites that may be dispersed geographically. Three broad types of construction activity are covered: (1) building construction by general contractors or by operative builders; (2) other construction by general contractors; and (3) construction by special trade contractors such as electrical, air conditioning and plumbing contractors, or others such as well drilling services. The installation of prefabricated buildings and equipment is also included. Business offices for such establishments which are not on the same site as work crew dispatching, equipment, vehicle or material storage for the establishment may also be considered under the definition of offices.

**Farm Equipment and Supplies:** Establishments primarily engaged in sale, rental or repair of agricultural machinery and equipment for use in the preparation and maintenance of the soil, the

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planting and harvesting of crops, and other operations and processes pertaining to work on the farm; also dairy and other livestock equipment. Includes agricultural machinery (except the sale of trailers, tractors and other motorized, self-propelled farm vehicles, which are included under "Auto, Mobile home and Vehicle Dealers and Supplies"), dairy farm machinery and equipment, irrigation equipment, poultry equipment and frost protection equipment; hay, grain and feed sales; retail sales of prepackaged fertilizer and agricultural sprays. Sales may include the final assembly of farm machinery, implements or equipment from component parts received from the manufacturer in a partially assembled state, but not the creation of such components from raw materials.

**Ag Processing.** Establishments performing a variety of operations on crops after harvest, to prepare them for market on-site or further processing and packaging at a distance from the agricultural area, including but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables, tree nut hulling and shelling; cotton ginning; wineries and alcohol fuel production. Note: any of the above activities performed in the field with mobile equipment not involving permanent buildings are included under "Crop Production and Grazing."

**Warehousing.** Establishments primarily engaged in the storage of farm products, furniture, household goods, or other commercial goods of any nature for later distribution to wholesalers and retailers. Does not include warehouse facilities where the primary purpose of storage is for goods for wholesaling distribution. Does not include terminal facilities for handling freight (classified in "Vehicle and Freight Terminals"). Also includes warehouse, storage or mini-storage facilities offered for rent or lease to the general public.

**Caretaker Residence.** A permanent residence that is secondary or accessory to the primary use of the property. A caretaker dwelling is used for housing a caretaker employed on the site of any non-residential use where a caretaker is needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment or other conditions on the site.

**Residential Accessory Uses.** Includes any use that is customarily part of a residence and is clearly incidental and secondary to a residence and does not change the character of the residential use. Residential accessory uses include the storage of vehicles and other personal property, and accessory structures including swimming pools, workshops, studios, greenhouses, garages, and guesthouses (without cooking or kitchen facilities). Includes non-commercial TV and radio broadcasting and receiving antennas, including equipment for satellite broadcast reception.

The applicant is also requesting a Conditional Use Permit to allow the operation of a pre-fabrication metal tank parts facility. Proposed site improvements would include the replacement of an existing 800-square foot modular office building with a 1,500-square foot office, outdoor maintenance, assembly, and storage areas, and 23 parking spaces, resulting in the disturbance of an approximate 74,000-square foot area. The project site is located at 179954 Highway 46/41, on the north side of the highway, approximately 2.6 miles northeast of the intersection of Highway 46 and Highway 41 and the community of Shandon, in the Shandon-Carrizo (rural) planning area..

ASSESSOR PARCEL NUMBER: 017-131-039

SUPERVISORIAL DISTRICT #: 1

**B. EXISTING SETTING**

PLANNING AREA: Shandon/Carrizo (Rural)

LAND USE CATEGORY: Commercial Service

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COMBINING DESIGNATION(S): None applicable

EXISTING USES: Shop building, modular office, concrete slab, fencing, water well,  
septic system and leachfield

TOPOGRAPHY: Nearly level

VEGETATION: Shade trees; grasses

PARCEL SIZE:  $\pm$  1.8 Acres

**SURROUNDING LAND USE CATEGORIES AND USES:**

*North:* Agriculture/ Dry farming; grazing

*East:* Agriculture/ Dry farming; grazing

*South:* Agriculture/ Dry farming; grazing

*West:* Agriculture/ Dry farming; grazing

**C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

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# COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The proposed project site is an approximately 1.8-acre area located on the north side of Highway 46/41, approximately 2.6 miles northeast of the Highway 46 and Highway 41 intersection, northeast of the community of Shandon (refer to Figures 1 through 3). The surrounding area is characterized by gently to moderately sloping hillsides, grassland, and Cholame Creek. *A few rural houses and ranches are located within the small valley around the site.* An oil pumping station and associated tanks are located approximately 1.25-mile to the southwest, on the north side of Highway 46/41. The proposed project site, referred to as the Cockrum Commercial Area by the Shandon-Carrizo Area Plan, was historically developed by an automobile storage facility and used car lot. Existing structures onsite include a 3,600-square foot shop building, an 800-square foot modular office, a concrete slab, interior fencing, utility lines, and an eight-foot tall solid wooden fence along the north, east, and south sides of the site.

## Ordinance Amendment

The applicant is proposing to amend the Land Use Ordinance by replacing a current limitation on use for the Commercial Service land use category that limits the uses on the site to only an automobile recycling and scrap operation with a new limitation on use standard that would allow metal industries (fabricated), small scale manufacturing, construction contractors, and farm equipment and supplies. Other potential uses considered include agricultural processing, warehousing and caretakers quarters and residential accessory uses.

## Conditional Use Permit

The applicant is also requesting a Conditional Use Permit to allow the operation of a pre-fabrication metal tank parts facility. Proposed site improvements would include the replacement of an existing 800-square foot modular office building with a 1,500-square foot office, and outdoor maintenance, assembly, and storage areas. *The applicant also proposes to install screening landscaping within the 10-foot front setback.*

**Impact.** The proposed project site is located adjacent to Highway 46/41, and is visible from both the eastbound and westbound travel lanes. Existing structures, fencing and landscaping are visible and silhouette into the skyline for approximately one mile from the westbound travel lane, and approximately



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one mile from the eastbound travel lane. *The un-screened appearance of the site is an existing negative impact on views that are otherwise scenic to backdrops of hills that have moderately vivid, incised drainage patterns, and together with the surroundings, constitute a high degree of intact rural and undeveloped appearance.*

#### Ordinance Amendment

Implementation of the proposed ordinance amendment would eliminate the use restriction on the proposed project site, and allow the future development of metal industries (fabricated), small scale manufacturing, construction contractors, and farm equipment and supplies. Future development of the project site would result in development visible from Highway 46/41. Depending on the number and size of proposed structures and equipment associated with the proposed development, potentially significant visual impacts may occur.

#### Conditional Use Permit

Existing development is visible from Highway 46/41. A majority of existing structures and equipment are screened from view by an existing eight-foot tall solid fence, and landscaping consisting of trees and shrubs. The project site is located adjacent to the highway on nearly level topography. The applicant is proposing to replace an existing building with a new office, and operate existing machinery. Additional landscaping is proposed along the highway frontage *within the required 10-foot front setback in front of the existing fence*, as shown in Figure 4. Implementation of the improvements requested in the Conditional Use Permit application would not result in a significant *improvement* in existing visual character due to the historical and current industrial appearance of the project site.

**Mitigation/Conclusion.** To minimize potential impacts associated with future development of the project site, a landscape and fencing plan *shall be submitted before issuance of construction permits and occupancy demonstrating that all structures, equipment, and materials will be screened from public view from the existing and realigned Highway 46 East.*

## 2. AGRICULTURAL RESOURCES - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The proposed project is located within the Commercial Service land use category. The adjacent land use category is Agriculture. The soil types mapped for the project site by the Natural Resources Conservation Service (NRCS) Soil Survey are Mocho Clay Loam (0-2% slope) and San Emigdio Fine Sandy Loam (2-9% slope). As described in the NRCS Soil Survey, these soils are considered Class IV for "non-irrigated" soil, and Class I & II for "irrigated" soil. The project site is not irrigated, and was historically developed by a automobile storage and used car lot facility. Surrounding properties have historically supported livestock grazing and hay production.

#### **Impact.**

##### Ordinance Amendment

The proposed ordinance amendment was referred to the County Department of Agriculture for review. Based on the historical use of the proposed project site, no significant impacts associated with the

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proposed amendment were identified (L. Auchinachie; June 1, 2004). Potential impacts associated with the future development of the project site consist of agricultural incompatibility impacts, such as the creation of dust and debris, and lack of buffers between the adjacent agricultural use and the project site. Future development of the project site would be reviewed by the Agricultural Department. At that time, project-specific impacts would be determined, and buffers and mitigation measures would be recommended if necessary.

#### Conditional Use Permit

The proposed project was referred to the County Department of Agriculture for review. Based on the continued use of the project site, no significant impacts to agricultural soils would occur as a result of the proposed project. Potential incompatibility impacts would consist of the generation of dust and debris from proposed sandblasting and metal surface coating affecting adjacent livestock grazing and hay production. A caretakers unit is not proposed, therefore an agricultural buffer is not necessary (L. Auchinachie; June 1, 2004 and July 14, 2004). The operation of sandblasting and metal paint equipment is permitted by the Air Pollution Control District (APCD; July 17, 2003). Permit conditions include measures to reduce particulate dust and volatile organic compound (VOC) emissions (refer to Section 3 Air Quality). Based on implementation of APCD permit conditions, no significant agricultural impacts would occur as a result of the proposed project.

**Mitigation/Conclusion.** No significant agricultural impacts were identified, therefore no mitigation measures are recommended.

### 3. AIR QUALITY - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** In 1989, the State Air Resources Board (ARB) designated San Luis Obispo County a non-attainment area for exceeding the State's air quality standards set for ozone and dust (small particulate matter or PM10). In 2003, the State ARB determined that the county was in attainment for ozone. Based on the latest air monitoring station information (per the County's RMS annual report, 2003), the trend in air quality in the general area is improving where unacceptable PM10 levels were not exceeded in 2002 at the Paso Robles monitoring station, which is down from the previous year (2 exceedances). The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gases (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

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**Impact.**Ordinance Amendment

The proposed ordinance amendment was referred to the APCD for review. It is likely that establishment of the proposed uses would result in substantial short-term construction and long-term operational emission impacts on air quality. Standard construction mitigation measures for air quality would be required during the development phase of the proposed project that would substantially reduce construction-related air quality impacts. Once the future development is constructed, there will be operational emissions. These potential emissions would be determined when the applicant proposes a specific development. At that time, the APCD CEQA Handbook and consultation with the APCD would determine potential air quality impacts and appropriate mitigation measures.

Conditional Use Permit

Operation of the proposed facility would include the use of sand blasting and metal coating equipment, which would potentially emit air pollutants including particulates (PM10) and volatile organic compounds (VOC). The proposed project was referred to the APCD for review. The APCD did not identify any potentially significant impact associated with the proposed ordinance amendment and project proposal; however the referral response noted that operational permits would be required for the use of buildings and equipment that may cause the issuance of air contaminants (A. Mutziger; March 23, 2004). The applicant has obtained permits to construct an abrasive blasting and surface coating operation (L. Allen; July 17, 2003). The authorization includes requirements for a testing program and compliance inspection by APCD staff to ensure that particulate and VOC emissions to not exceed thresholds established by the APCD and Environmental Protection Agency (EPA). Prior to operation of the sand blasting and metal coating equipment, the applicant is required to obtain a *Permit to Operate* from the APCD.

**Mitigation/Conclusion.**Ordinance Amendment

Implementation of the proposed ordinance amendment is likely to result in significant air pollutant emission levels during the construction and operational phases of the proposed project. Specific impacts can be determined following application for a proposed use. To mitigate for these impacts, the County would consult with the APCD and refer to the APCD CEQA Handbook for reference. Implementation of these measures would reduce potential air quality impacts to a level of insignificance, and no planning area standards are necessary.

Conditional Use Permit

To ensure that operation of the proposed facility would not result in air emissions exceeding thresholds established by the APCD, the applicant has agreed to submit a copy of all *Permit to Operate* permits prior to final inspection by County staff.

**4. BIOLOGICAL RESOURCES -***Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**Setting.** The proposed project site is within a non-native grasses habitat area. The project site is currently developed by buildings, equipment, fencing, and decomposed granite fill. Landscaping trees are present along the southern, western, and eastern perimeter of the site, and native scrub is present to the north. Cholame Creek generally follows the alignment of Highway 46, and is located on the opposite (southeast) side of the highway from the project site, as shown in Figures 1 through 3. The creek crosses under the highway approximately 1.5 miles southwest of the project site.

The California Natural Diversity Database (CNDDDB) (2003) identified the following special-status species within close proximity of the proposed project site: Southwestern pond turtle (*Clemmys marmorata pallida*) and San Joaquin kit fox (*Vulpes macrotis mutica*). Southwestern pond turtle is a State Species of Special Concern. The project site does not contain any areas suitable for Southwestern pond turtle. San Joaquin kit fox is a Federal Endangered and State Threatened species. The project site is located within an identified San Joaquin kit fox habitat area.

**Impact.** Implementation of future land uses, including the proposed conditional use permit, on the proposed project site may result in impacts to San Joaquin kit fox and their habitat.

#### **Mitigation/Conclusion.**

##### Ordinance Amendment

Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Shandon-Cholame area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. This means that for every acre of new disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of three acres of habitat. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio.

The applicant would be required to mitigate the loss of kit fox habitat by one of the following ways: Deposit of funds to an approved in-lieu fee program; provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation easement of suitable habitat in the kit fox corridor area; or purchase credits in an approved conservation bank. At this time, there is no approved Conservation Bank which is operational in San Luis Obispo County. If none of the other three alternatives are available, the applicant may enter into a Mitigation Agreement with the Department of Fish and Game, including depositing funds into an escrow account (or other means of securing funds acceptable to the Department), which would assure the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management. To prevent inadvertent harm to kit fox, the applicant would be required to retain a biologist for a pre-construction survey and monitoring activities and implement cautionary construction measures. Implementation of these required measures would mitigate potential impacts to a level of insignificance, and no additional planning area standards are necessary.

##### Conditional Use Permit

Approximately 0.1 acre consists of existing structures previously located on the project site. 1.7 acres are currently, and would be, permanently affected by placement of structures and equipment associated with the proposed metal fabrication facility, including placement of decomposed granite. The applicant has chosen to accept the standard San Joaquin kit fox mitigation ratio of 3:1, which requires that a total compensatory acreage of 5.1 acres (1.7 acres multiplied by a 3:1 ratio) be mitigated. The applicant has agreed to mitigate the loss of kit fox habitat by implementing mitigation measures discussed above. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

The implementation of the above measures will mitigate biological impacts to a level of insignificance.

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**5. CULTURAL RESOURCES -***Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb pre-historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Disturb historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The proposed project site is located within an area historically occupied by the Obispeño Chumash and Southern Salinian Native Americans. The project site is located in the vicinity of Cholame Creek. The proposed project site is currently disturbed and developed by structures, equipment, concrete pads, and the placement of decomposed granite and fill soils throughout the site. No native soils or cultural resources were observed within the project site. No historical structures are present on the proposed project site. Paleontological resources are not anticipated to be present.

The County archaeological maps and California Department of Transportation (Caltrans) were consulted to determine if significant archaeological resources are documented in the immediate vicinity of the project site. Caltrans recently completed an archaeological records search and surface survey of the Highway 46 corridor during preparation of the *Route 46 Corridor Improvement Project Environmental Assessment/Draft Environmental Impact Report* (Caltrans; February 2003). Based on correspondence with the Caltrans project manager, one significant archaeological site is located approximately one mile to the east, and isolated deposits were discovered approximately one mile to the west of the project site. No resources were discovered in the immediate vicinity of the proposed project site (L. Bonner; July 20, 2004).

**Impact.** Based on the disturbed and developed nature of the project site, and lack of native soils and cultural resources in the immediate vicinity of the proposed project site, significant cultural resources would not likely be encountered during future development of the project site.

**Mitigation/Conclusion.** No significant cultural resources impacts were identified; therefore no planning area standards or mitigation measures are necessary.

**6. GEOLOGY AND SOILS -***Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**6. GEOLOGY AND SOILS -***Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.**

**Geology.** The topography of the proposed project site is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered high. No active faulting is known to exist on or near the subject property. There is a capable fault located approximately 3.1 miles northeast. The project is not within a known area containing serpentine rock. There is no evidence that measures above what will already be required by ordinance or code are needed.

**Drainage.** Cholame Creek is located approximately 50 feet to the southeast, on the opposite side of Highway 46/41 as the proposed project site. The area proposed for development is outside of the 100-year Flood Hazard designation. As described in the NRCS Soil Survey, the soils mapped for the project site are moderately drained. The project site covered by decomposed granite, and no native soils are present on the surface. There is no evidence that measures above what will already be required by ordinance or code are needed.

**Erosion and Sedimentation.** The soil types mapped for the proposed project site are Mocho Clay Loam (0-2% Slope) and San Emigdio Fine Sandy Loam (2-9% Slope). As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodability and has a low to moderate shrink-swell characteristic. Based on the nearly level topography of the project site, it is unlikely that erosion and sedimentation would occur as a result of future projects. If a substantial amount of site disturbance is proposed by future land uses and a grading permit is required, the applicant would be required by the County Land Use Ordinance to submit an erosion and sedimentation plan including both temporary and permanent erosion control measures.

**Mitigation/Conclusion.****Ordinance Amendment**

If a substantial amount of site disturbance is proposed by future applicants, implementation of required standards and the County-approved erosion and sediment control plan would mitigate potential erosion and sedimentation impacts to a level of insignificance. No additional planning area standards are necessary.

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Conditional Use Permit

The applicant is not proposing any grading activities; therefore erosion and sedimentation impacts would not be significant. No mitigation measures are necessary.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The proposed project site was historically utilized as the Cockrum Garage, an automobile dismantling facility and used car lot. The applicant has removed automobiles, trash, debris, and contaminated soils, and placed decomposed granite fill material throughout the project site. The proposed project site is located within a moderate fire hazard area. On September 15, 2004, the applicant provided a Phase I Environmental Site Assessment, which was prepared by Hellanthis, Inc. on August 8, 2003. The report was an investigation of records and visual conditions to determine the extent of hazardous materials. The report found that the site is not within any regulatory database listing or listed as an Resource Conservation and Recovery (RCRA) hazardous waste generators/handler, nor is the surrounding area within .25 mile of the site. Four aboveground storage tanks existed that appeared empty and which had no evidence of leaks. The site historically had four underground storage tanks, which were operated with permits from the county Environmental Health Division. The tanks were reportedly removed, although no closure letter was available from the Environmental Health Division. The age of the garage structure indicated that it could possibly contain lead based paint; no evidence of blistering or peeling was found on the structure. The report made four recommendations, listed below with information about their status following each in parens:

1. Remove the empty 55-gallon drums, non-operational aboveground storage tanks and miscellaneous debris and dispose of them properly in accordance with State and Federal hazardous materials regulations (The applicant had these removed from the site by San Miguel Roll-Off Company, Inc. and disposed of at either the Paso Robles or Chicago Grade Landfill).
2. The removal of four underground storage tanks should be verified by Environmental Health Services (These tanks were removed and acknowledged in the Caltrans Phase II study, which was reviewed and approved by Environmental Health Services (see attached letter)).
3. Prior use of a covered pit within the garage structure should be identified (The applicant provided documentation on September 29, 2004 by Hellanthis, Inc. that the contents of the pit were identified as mechanisms for a car hoist).

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4. *Property licensed professionals should conduct future tests for any evidence of lead-based paint and asbestos (The applicant has painted the building, and was informed of this need by the Phase I study. No further investigation is necessary.)*

*On September 15, 2004, the applicant also provided a copy of a Phase II Preliminary Site Investigation Report dated January 2001. Caltrans, District 6, had the report prepared by Geocon Consultants, Inc. as part of a larger investigation of several sites in the vicinity of a proposed realignment of Highway 46 East. The purpose was to determine the potential presence of petroleum constituents at Cockrum's Garage (the former business name of this site). Geocon performed nine direct-push soil borings at Cockrum's Garage and tested soil samples. The borings were located adjacent to former underground storage tank locations and former fuel dispensers at the site. The study concluded that generally low concentrations of diesel and motor oil range hydrocarbons and low to background metals concentrations existed. The report recommended that, "If any release of petroleum is encountered during excavation, the impacted soil is to be stockpiled and sampled to determine whether disposal or reuse restrictions apply to the material." The conclusion from these reports is that the existing conditions on the site as studied in the Phase I and II reports are not causing significant hazardous materials impacts.*

#### **Impact.**

##### Ordinance Amendment

The proposed ordinance amendment was referred to the County Department of Environmental Health for review. The Department did not identify any potentially significant impacts associated with the proposed amendment (R. Williams; March 10, 2004). The referral response noted that soil testing for metals and hydrocarbons may be required prior to approval of a project-specific land use permit. The storage of hazardous materials including oil and paint would be regulated by Section 22.10.070 of the Land Use Ordinance (flammable and combustible liquids storage). A project specific Fire Safety Plan would be required pursuant to the County Land Use Ordinance Section 22.50.030.

##### Conditional Use Permit

The applicant is proposing to store approximately 20 to 25 gallons of paint at any time during operation of the facility. Up to 50 gallons of waste oil from proposed equipment would be stored onsite before being picked up by a hazardous materials company for proper disposal. These liquids would be stored within the existing shop until use or proper disposal. In the event of a spill, potential impacts could occur including the release of hazardous materials. *On September 15, 2004, the applicant's representative provided additional information about the hazardous materials that would be stored and used on the site, including acetylene, oxygen and argon to be used for welding and cutting; threading oil in a one-gallon container; hydraulic oil, in a 10-gallon container and thinner for paint, in a 5-gallon container.*

The proposed project was referred to the California Department of Forestry/County Fire for review. CDF did not respond with any concerns; however a Fire Safety Plan would be required prior to issuance of construction permits and operation of the facility. The Fire Safety Plan would consist of conditions including, but not limited to, through access for fire trucks, a fire extinguishing system/sprinklers, the installation of portable fire extinguishers, and an accessible water storage tank. CDF would conduct an inspection of the facility prior to operation.

#### **Mitigation/Conclusion.**

##### Ordinance Amendment

Based on implementation of existing ordinance requirements, no significant impacts would occur as a result of the proposed ordinance amendment, and no additional planning area standards are necessary.

##### Conditional Use Permit

To avoid or minimize the effects of a potential *hazardous materials* spill, the applicant has agreed to prepare a Spill Prevention and Contingency Plan. The plan shall address the prevention of release of oils,



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paint, and any other hazardous materials. A Hazardous Materials Business Plan should also be prepared by the applicant and approved by Environmental Health Services to authorize the storage and use of hazardous materials in accordance with the California Health and safety Code and the California Code of Regulations. Preparation and implementation of these plans would mitigate potential hazardous materials impacts to a level of insignificance.

**8. NOISE - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels which exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generate increases in the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.**

**Noise Exposure.** The proposed project site is located adjacent to Highway 46/41. The highway is the primary source of transportation-related noise in the area. The topography between the project site and the highway is nearly level. According to the *County Noise Element*, the uses proposed by the ordinance amendment and conditional use permit are not noise-sensitive land uses, and are not subject to noise thresholds (May 5, 1992). No impacts are a result of transportation-related noise would occur as a result of the proposed ordinance amendment or conditional use permit.

**Noise Generation.** The proposed project site is surrounded by undeveloped land utilized primarily for livestock grazing and hay production. Based on the lack of noise-sensitive land uses in the vicinity of the project site, the proposed ordinance amendment and conditional use permit would not result in significant operational noise impacts.

**Mitigation/Conclusion.** No significant noise impacts were identified; therefore no planning area standards or mitigation measures are necessary.

**9. POPULATION/HOUSING -***Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create the need for substantial new housing in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Use substantial amount of fuel or energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**Setting/Impact.** The proposed project site is located on a parcel currently within the Commercial Services land use category. The project site was historically utilized as the Cockrum Garage, and no housing is present on or in the immediate vicinity of the project site. Implementation of the proposed ordinance amendment and conditional use permit would not induce growth, displace existing housing or people, create the need for new housing in the area, or use a substantial amount of fuel or energy to construct and operate.

**Mitigation/Conclusion.** Based on the above discussion, no significant population and housing impacts are expected to occur as a result of the proposed ordinance amendment and conditional use permit.

#### 10. PUBLIC SERVICES/UTILITIES -

*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The closest CDF/County fire station is Shandon station 31, located approximately 3.4 miles southwest of the proposed project site. The closest Sheriff substation is in Templeton, located approximately 25 miles west of the proposed project site. Highway 46/41 is also patrolled by the California Highway Patrol. The project site is located within the Shandon Unified School District.

**Impact.** This proposed project, along with numerous others in the area would have a cumulative effect on police/sheriff and fire protection.

**Mitigation/Conclusion.** Public facility programs have been adopted to address this impact and would reduce the cumulative impact to a level of insignificance. No significant project-specific impacts to utilities or public services were identified.

#### 11. RECREATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The County Trails Plan does not show a future trail being considered on the proposed

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project site. Implementation of the proposed ordinance amendment and conditional use permit would not increase the use or demand for parks or other recreation opportunities or affect access to recreational resources.

**Mitigation/Conclusion.** No planning area standards or mitigation measures are necessary.

## 12. TRANSPORTATION/

### CIRCULATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Reduce existing "Levels of Service" on public roadway(s)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Provide for adequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The proposed project site is accessed from Highway 46/41, which is currently operating at an acceptable level of service. The affected section of highway is within a California Department of Transportation (Caltrans) "Safety Corridor". This designation indicates a higher than normal rate of accidents, and posted signage includes requests for daytime headlights, and warnings of extra fees for speed violations. Existing highway improvements consist of an eight-foot shoulder, which is located adjacent to the project site frontage and flares out at the existing driveway entrance onto Highway 46. A stop sign is posted for traffic existing the project site, and there is an existing left turn lane in the center of the highway to accommodate left turns from travelers in the eastbound traffic lane of Highway 46.

#### Impact.

##### Ordinance Amendment

The proposed ordinance amendment would allow an expansion of allowable uses on the project site. The proposed project was referred to Caltrans for review. Caltrans responded to the referral with concerns regarding additional traffic trips, high-speed traffic through the area, and safety hazards (J. Kilmer, April 26, 2004). Caltrans requested submittal of a traffic study for proposed land uses on the project site.

##### Conditional Use Permit

The applicant submitted a traffic study pursuant to Caltrans' referral response to the ordinance amendment. The traffic study (Orosz Engineering Group, Inc.; June 25, 2004) evaluated the difference

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between trips generated by the existing allowable land use and the proposed land use, and the adequacy of the left turn access into the project site. Based on the traffic report, the existing allowable land use (automobile storage and used car sales) would generate approximately 45 trips per day, with four AM and four PM peak hour trips. The proposed project is estimated to generate 19 trips per day, with four AM and four PM peak hour trips. Based on the similar rates of trip generation, there would be no significant traffic impacts related to trip generation (Orosz Engineering Group, Inc.; June 25, 2004). The traffic study report states that operation of the proposed project would generate approximately 20 truck trips per week to deliver or deposit materials. These truck trips would occur during off-peak hours of 9:00 a.m. to 3:00 p.m. Monday through Friday. Based on the frequency of the off-peak hour truck trips, the existing left turn lane design would be adequate (Orosz Engineering Group, Inc.; June 25, 2004). Caltrans reviewed and approved the submitted traffic study report (J. Kilmer; July 7, 2004). Based on the results of the traffic study report, and Caltrans review and approval of the report, no significant traffic impacts would occur as a result of the proposed project.

**Mitigation/Conclusion.** To ensure that future land uses do not result in a significant safety hazard or traffic impact, planning area standards shall be adopted requiring approval of a discretionary permit (Minor Use Permit at a minimum) and the submittal of a traffic study report for review and approval by the County of San Luis Obispo and Caltrans at the time of application for the discretionary permit. If improvements are necessary, the applicant shall be required to obtain an encroachment permit from Caltrans.

### 13. WASTEWATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Existing development on the proposed project site includes a septic system and leachfield. Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the underlying soil types are Mocho Clay Loam (0-2% slope) and San Emigdio Fine Sandy Loam (2-9% slope). For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the soil's ability to percolate or "filter" effluent, the soil's depth and the slope on which the system is placed. To assure a successful system that meets the Central Coast Basin Plan, additional analysis or engineering is needed when one or more factors exist: the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch); the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or the separation between the bottom of the leach line to bedrock or high groundwater is less than five feet.

**Impact.** Based on the NRCS Soil Survey, the main limitation(s) of this soil for wastewater effluent is slow percolation. This characteristic indicates that fluids may percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch.

#### Ordinance Amendment

There is an existing septic system and leachfield onsite. If an additional system is determined necessary in an alternate location on the project site, the project applicant would be required by Title 19 of the County

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Code (Building and Construction), the Uniform Plumbing Code, and the Central Coast Basin Plan to submit additional information that shows the leach area can adequately percolate. Based on implementation of existing County Code and State standards, no significant impacts would occur as a result of the proposed ordinance amendment.

#### Conditional Use Permit

The applicant is proposing to utilize an existing septic system and leach field. No impacts are anticipated.

**Mitigation/Conclusion.** Based on compliance with County Code, the Uniform Building Code, and Central Coast Basin Plan, no additional planning area standards are required.

#### 14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Setting.

Surface Water. Cholame Creek is located approximately 50 feet to the southwest on the opposite side of Highway 46/41 from the proposed project site.

Water Supply. There is an existing well onsite. The water source for this well is the Paso Robles Groundwater Basin. According to the *Annual Resource Summary Report* (2003), water levels have declined along the Highway 46 corridor east of Paso Robles, likely due to increased pumping associated with the development of rural ranchettes, vineyards, and golf courses (2003). The report does not recommend a level of severity at this time, and an update report is currently underway.

#### Impact.

Water Supply. Based on the continued use of the existing well onsite, no significant impacts to water supply would occur as a result of the proposed ordinance amendment and conditional use permit.

#### Surface Water.

##### Ordinance Amendment

Implementation of the proposed ordinance amendment is not likely to result in impacts to Cholame Creek due to the highway barrier between the creek and the proposed project site. The project site is nearly level, and development is unlikely to result in erosion and off-site sedimentation. If future land uses propose the use or storage of hazardous materials, the project would be reviewed by County staff to ensure that these materials are stored and disposed of consistent with Section 22.10.070 of the Land Use Ordinance (Flammable and combustible liquids storage), and may require a discharge permit pursuant to the National Pollutant Discharge Elimination System (NPDES) permit program, which would include preparation of a Storm Water Pollution Prevention Plan (SWPPP) to be approved by the State Water

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Quality Control Board (SWQCB). The SWPPP would include measures to avoid or minimize pollutant discharge during a rain event. Based on implementation of the County Ordinance and compliance with NPDES and SWQCB requirements, no significant water pollution impacts would occur as a result of the proposed ordinance amendment.

#### Conditional Use Permit

Operation of the proposed facility would include the use and storage of oils and paint. The applicant is proposing to store approximately 20 to 25 gallons of paint at any time during operation of the facility. Up to 50 gallons of waste oil from proposed equipment would be stored onsite before being picked up by a hazardous materials company for proper disposal. During a rain event, oils and other pollutants may be carried off-site by stormwater, potentially discharging into Cholame Creek located on the opposite side of the highway, resulting in a potentially significant impact.

#### Mitigation/Conclusion.

##### Ordinance Amendment

Based on implementation of local, State, and Federal guidelines established by the County of San Luis Obispo, the State Water Quality Control Board, and Environmental Protection Agency, no additional planning area standards are necessary.

##### Conditional Use Permit

To minimize the potential for stormwater and surface water pollution during operation of the proposed facility, the applicant has agreed to submit a Waste Discharge Report (WDR) permit application and Stormwater Pollution Prevention Plan (SWPPP) to the Central Coast Regional Water Quality Control Board (RWQCB) for review and approval.

Surface Water. Implementation of an approved erosion and sedimentation control plan including best management practices and pollution prevention measures would reduce impacts to surface water to a level of insignificance (refer to Section 6).

#### 15. LAND USE - Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The proposed ordinance amendment and conditional use permit were reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g. County Land Use Ordinance, and the Shandon-Carrizo Land Use Element). The project was found to be consistent with these documents. The proposed project is not within or adjacent to a Habitat Conservation Plan area.

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The surrounding land uses consist of livestock grazing and hay production. The proposed project site is within the Commercial Service land use category, and was historically developed as a automobile storage and used car sales facility. The proposed ordinance amendment and proposed metal fabrication facility are consistent with the historic use of the project site.

**Mitigation/Conclusion.** No significant land use impacts would occur as a result of the proposed ordinance amendment and conditional use permit, and no planning area standards or mitigation measures are required.

#### 16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
-------------------------	--------------------------------	----------------------	----------------

- |   |                          |                                     |                                     |                          |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project's, and the effects of probable future projects)   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env\_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

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**Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an "X") and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File*
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached; pers. comm. 09/16/2003
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached; pers. comm. 07/14/04
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Game	Pers. comm. 03/23/04
<input checked="" type="checkbox"/>	CA Department of Forestry	In File*
<input checked="" type="checkbox"/>	CA Department of Transportation	Attached
<input checked="" type="checkbox"/>	Shandon Community Service District	In File*
<input checked="" type="checkbox"/>	Shandon Advisory Group	Attached

\* "No comment" or "No concerns"-type responses are usually not attached

The following checked ("✓") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> Shandon-Carrizo Area Plan and Update EIR
<input checked="" type="checkbox"/> County documents	<input type="checkbox"/> Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<input checked="" type="checkbox"/> Other documents
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for San Luis Obispo County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin - Region 3)
<input checked="" type="checkbox"/> Safety Element	<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input type="checkbox"/> Real Property Division Ordinance	
<input checked="" type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

In addition, the following project-specific information and/or reference materials have been considered as a part of the Initial Study:

Orosz Engineering Group, Inc. June 25, 2004. *Traffic Assessment for Proposed Relocation on Highway 46 East of Shandon.*



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*Loretta Gale Morgan, Helianthus, Inc. August 8, 2003. Phase I Environmental Site Assessment, Cockrum  
Garage, 17995 E Hwy 46, Shandon, California*

*Geocon Consultants, Inc. January 2001. Preliminary Site Investigation Report, Highway 46.*

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## Exhibit B - Mitigation Summary Table

### Ordinance Amendment:

The following planning area standards shall be incorporated into the *Shandon-Carrizo Area Plan* for the 1.8-acre project site:

1. At a minimum, Minor Use Permit approval is required for all proposed new land uses.
2. At the time of Minor Use Permit or Conditional Use Permit application, the applicant shall submit a landscaping and fencing plan showing how all structures, equipment, and materials would be screened from public view.
3. At the time of Minor Use Permit or Conditional Use Permit application, the applicant shall submit a traffic study report to the County Departments of Planning and Building and California Department of Transportation for review. The report shall document existing conditions on the Highway 46 corridor, identify any impacts associated with the proposed development, and recommend mitigation measures.

### Conditional Use Permit:

#### *Aesthetics*

AE-1 *Prior to issuance of construction permits and occupancy, the applicant shall submit a landscape and fencing plan that provides solid fencing and screening landscaping at the entrance and all sides, to screen the site and structures from public view from the existing and realigned Highway 46 East. Landscaping and fencing is to be installed according to the approved landscape and fencing plan prior to final inspection and occupancy permit. Landscaping on the west side of the site may be bonded for installation at the time that the realignment of Highway 46 East commences in construction.*

#### *Air Quality*

AQ-1 *Prior to final inspection or issuance of a business license and occupancy of the site, the applicant shall submit copies of all Permit to Operate permits issued by the County of San Luis Obispo Air Pollution Control District (APCD).*

#### *Biological Resources*

Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Shandon-Cholame area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 3:1, which requires that a total compensatory acreage of 5.1 (1.7 acres multiplied by a 3:1 ratio) be mitigated. Total compensatory mitigation required for the project is 5.1 acres, based on 3 times 1.7 acres impacted. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

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BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 5.1 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). Your fee, payable to The Nature Conservancy, would total \$12,750.00. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 5.1 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 5.1 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation

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Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

BR-2 Prior to issuance of grading and/or construction permits, the applicant shall retain a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. Before commencing with project activities, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:

1. Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a) Potential kit fox den: 50 feet

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- b) Known or active kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 Prior to issuance of grading and/or construction permit, the applicant shall clearly delineate as a note on the project plans, that: Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox. In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BR-3 through BR-11 of your Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5 Prior to issuance of grading and/or construction permit, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed and distributed to all contractors, employers and other personnel involved with the construction of the project.

BR-6 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-7 During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

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BR-8 During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-9 Prior to, during and after the site-disturbance and/or construction phase, use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-10 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

BR-11 Prior to final inspection or occupancy, whichever comes first, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";
- b. If a more solid wire mesh or a solid fence or wall is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Any fencing constructed after issuance of a final permit shall follow the above guidelines.

#### Contact Information

California Department of Fish and Game  
Central Coast Region  
P.O. Box 47  
Yountville, CA 94599  
(805) 528-8670  
(805) 772-4318

U.S. Fish and Wildlife Service  
Ventura Field Office  
2493 Portola Road, Suite B  
Ventura, CA 93003  
(805) 644-1766

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County of San Luis Obispo  
Department of Planning and Building  
Division of Environmental and Resource Management  
County Government Center, Room 310  
San Luis Obispo, CA 93408  
ATTN: Ms. Julie Eliason

Hazards/Materials

- HM-1 Prior to issuance of construction permits *final inspection of any outstanding permits and occupancy through a business license*, the applicant shall prepare a Spill Prevention and Contingency Plan and a Hazardous Materials Business Plan for the review and approval of the County Departments of Planning and Building and Environmental Health. The plans shall address the *safe storage and handling, and the prevention of release of oils, paint, and any other hazardous materials.*

Water

- W-1 Prior to issuance of construction permits, *final inspection of any outstanding permits and occupancy through a business license*, the applicant shall submit documentation of a Waste Discharge Report (WDR) permit and/or National Pollutant Discharge Elimination System (NPDES) permit, and Stormwater Pollution Prevention Plan (SWPPP) approved by the Regional Water Quality Control Board (RWQCB) and State Water Quality Control Board (SWQCB), or documentation stating why these permits and plans were not required.

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**DEVELOPER'S STATEMENT FOR  
PASO PACIFIC CONDITIONAL USE PERMIT  
DRC2003-00094; ED03-425**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

**Aesthetics**

**AE-1 Prior to issuance of construction permits and occupancy,** the applicant shall submit a landscape and fencing plan that provides solid fencing and screening landscaping at the entrance and all sides, to screen the site and structures from public view from the existing and realigned Highway 46 East. Landscaping and fencing is to be installed according to the approved landscape and fencing plan prior to final inspection and occupancy permit. Landscaping on the west side of the site may be bonded for installation at the time that the realignment of Highway 46 East commences in construction.

**Monitoring:** The County Planning and Building Department shall review and approve the landscape and fencing plan prior to issuance of construction and occupancy permits and inspect and approve the required installation(s) prior to final construction inspection and occupancy permit.

**Air Quality**

**AQ-1 Prior to final inspection,** the applicant shall submit copies of all Permit to Operate permits issued by the County of San Luis Obispo Air Pollution Control District (APCD).

**Monitoring:** The County Planning and Building Department shall verify receipt of required permits.

**Biological Resources**

Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Shandon-Cholame area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 3:1, which requires that a total compensatory acreage of 1.5 (0.5 acres multiplied by a 3:1 ratio) be mitigated. Total compensatory mitigation required for the project is 1.5 acres, based on 3 times 0.5



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acres impacted. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

**BR-1** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.5 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.
- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). Your fee, payable to The Nature Conservancy, would total \$3,750.00. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 1.5 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 1.5 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

**Monitoring:** Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

**BR-2** Prior to issuance of grading and/or construction permits, the applicant shall retain a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diskings, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. **Before commencing with project activities**, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- d. In addition, the qualified biologist shall implement the following measures:
  1. Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
    - a) Potential kit fox den: 50 feet
    - b) Known or active kit fox den: 100 feet
    - c) Kit fox pupping den: 150 feet
  2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been

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terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

**Monitoring:** Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

- BR-3** Prior to issuance of grading and/or construction permit, the applicant shall clearly delineate as a note on the project plans, that: *Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox.* In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BR-3 through BR-11 of your Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.
- BR-4** During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- BR-5** Prior to issuance of grading and/or construction permit, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed and distributed to all contractors, employers and other personnel involved with the construction of the project.
- BR-6** During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-7** During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

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**BR-9** Prior to, during and after the site-disturbance and/or construction phase, use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

**BR-10** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

**BR-11** Prior to final inspection or occupancy, whichever comes first, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";
- b. If a more solid wire mesh or a solid fence or wall is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Any fencing constructed after issuance of a final permit shall follow the above guidelines.

**Monitoring (San Joaquin Kit Fox Measures BR-3 – BR-11):** Compliance will be verified by the County Division of Environmental and Resource Management in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

#### Contact Information

California Department of Fish and Game  
Central Coast Region  
P.O. Box 47  
Yountville, CA 94599  
(805) 528-8670  
(805) 772-4318

U.S. Fish and Wildlife Service  
Ventura Field Office  
2493 Portola Road, Suite B  
Ventura, CA 93003  
(805) 644-1766

County of San Luis Obispo  
Department of Planning and Building  
Division of Environmental and Resource Management  
County Government Center, Room 310  
San Luis Obispo, CA 93408  
ATTN: Ms. Julie Eliason

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**Hazards/Materials**

- HM-1** Prior to issuance of construction permits, the applicant shall prepare a Hazardous Materials Business Plan and a Spill Prevention and Contingency Plan for the review and approval of the County Department of Environmental Health Services. The plans shall address an inventory of on-site hazardous materials, emergency response procedures, usage training, safe storage and handling, and spill prevention of oils, paint, and any other hazardous materials.

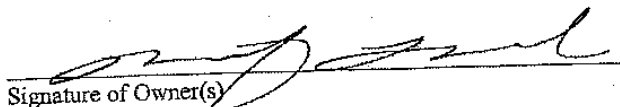
**Monitoring:** The County Department of Planning and Building shall verify receipt and approval of the required plan.

**Water**

- W-1** Prior to issuance of construction permits, the applicant shall submit documentation of a Waste Discharge Report (WDR) permit and/or National Pollutant Discharge Elimination System (NPDES) permit, and Stormwater Pollution Prevention Plan (SWPPP) approved by the Regional Water Quality Control Board (RWQCB) and State Water Quality Control Board (SWQCB), or documentation stating why these permits and plans were not required.

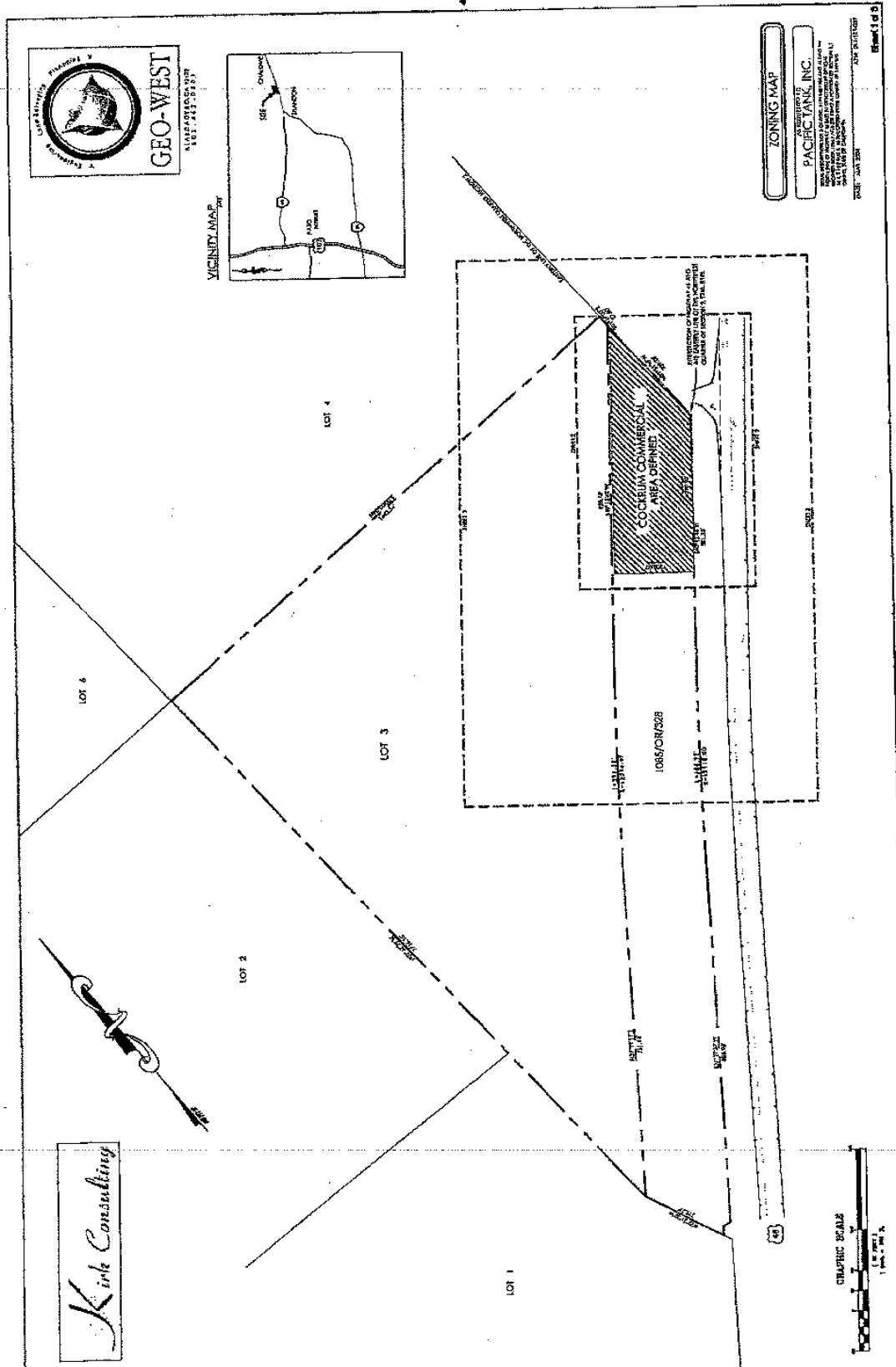
**Monitoring:** The County Department of Planning and Building shall verify receipt of required permits, authorizations, and plans.

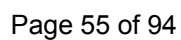
The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

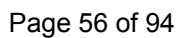
 10-12-04  
Signature of Owner(s) Date

RUSBY PAULS  
Name (Print)

4-54











County of San Luis Obispo • Public Health Department

4-57

Environmental Health Services

2156 Sierra Way • P.O. Box 1489  
San Luis Obispo, California 93406  
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.  
County Health Officer  
Public Health Director

Curtis A. Batson, R.E.H.S.  
Director

September 16, 2003

Paso Pacific Properties, LLC  
c/o The Walker Law Firm  
David T. Sanford  
1301 Dove St., Suite 450  
Newport Beach, CA 92660-2464

Re: Preliminary Site Investigation Report for Cockrum's Garage, 17995 E. Highway 46,  
Shandon, CA 93461

Dear Mr. Sanford,

I have reviewed the Preliminary Site Investigation Report for Cockrum's Garage, 17995 E. Highway 46, Shandon, CA 93461, dated January 18, 2001 prepared by Geocon Consultants, Inc., and have concluded the following:

1. Nine direct-push soil borings were advanced to depths ranging from 0.5 to 6.0 meters below ground surface adjacent to the former underground storage tank and dispenser locations.
2. The soil samples collected were analyzed for California Code of Regulations, Title 22 Metals; total petroleum hydrocarbons as gasoline, diesel, motor oil; benzene; toluene; ethylbenzene; xylene; fuel oxygenated compounds; volatile organic compounds; ethylene glycol; and pH.
3. The analytical results for the soil samples collected are well below regulatory limits and recommended action levels.
4. The site investigation has adequately characterized the site.
5. No further action is required at this time.

This decision is based on the information provided in the listed report and is subject to the provision that the information provided therein is accurate and representative of site conditions. Please be advised that if site conditions change or hazardous materials from this site impact soil or groundwater, remedial action could be required.

If you have questions regarding this matter, please contact me at (805) 781-5557.

Sincerely,

Scott Milner  
Environmental Health Specialist III  
Hazardous Materials Section

cc: Kevin J. Brown, RG; Geocon Consultants, Inc.



4-58

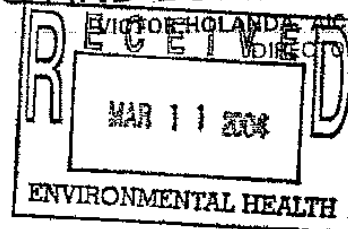
SAN LUIS OBISPO COUNTY

## DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

MAR 19 2004

Planning &amp; Bldg

THIS IS A NEW PROJECT REFERRAL

DATE: March 10, 2004

TO:

Env. HealthG030016L - Paso Pacific Properties  
Project Name & Number

FROM:

Jim Lopes

Development Review Section (PHONE: 781-5975)

**PROJECT DESCRIPTION:** A request by Pacific Tank and Construction / Paso Pacific Properties to amend a Land Use Ordinance standard (Section 22.110.020.C, Article 9) to replace a current limitation on use with one that allows Metal Industries (Fabricated), Small Scale Manufacturing, Contract Construction, and Farm Equipment and Supplies, in the Commercial Service category at a site 2.6 miles north of the Shandon Highway 41/46 intersection.

**STATUS:** The Board of Supervisors authorized the application to be processed on March 9, 2004. The initial study of the application will proceed next. Comments on the amendment should address your agency's technical concerns at this time.

*Should previous pollution from former wrecking yard be considered and cleaned up?*  
Return this letter with your comments attached no later than March 23, 2004

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒

YES

(Please go on to PART II.)

☐

NO

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒

NO

(Please go on to PART III.)

☐

YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

*Environmental Health has no comments on conditions to amend the Land Use Ordinance. If a Development Plan or C.U.P. or M.U.P. is requested then soil testing for metals and hydrocarbons may be required.*

3/18/04

Date

Robert Williams

Name

x 5551

Phone

REF:lt\1/23/96/lj

G:\A\_files\General Plan Amendments\Fiscal 2003-2004\G030016L - Paso Pacific\Letters\Referral letter Paso Pacific.wpd



RECEIVED

MAR 11 2004

Planning & Bldg. THIS IS A NEW PROJECT REFERRAL

4-59

SAN LUIS OBISPO COUNTY

VICTOR HOLANDA, AICP  
DIRECTOR

DATE: March 10, 2004

TO: Building DivisionG030016L - Paso Pacific Properties  
Project Name & NumberFROM: Jim Lopes  
Development Review Section (PHONE: 781-5975)

**PROJECT DESCRIPTION:** A request by Pacific Tank and Construction / Paso Pacific Properties to amend a Land Use Ordinance standard (Section 22.110.020.C, Article 9) to replace a current limitation on use with one that allows Metal Industries (Fabricated), Small Scale Manufacturing, Contract Construction, and Farm Equipment and Supplies, in the Commercial Service category at a site 2.6 miles north of the Shandon Highway 41/46 intersection.

**STATUS:** The Board of Supervisors authorized the application to be processed on March 9, 2004. The initial study of the application will proceed next. Comments on the amendment should address your agency's technical concerns at this time.

→ Should pollution from previous wrecking yard be determined for clean up?  
Return this letter with your comments attached no later than March 23, 2004 Soil Test?

**PART I** IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

- ☐ YES (Please go on to PART II.)  
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

**PART II** ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ NO (Please go on to PART III.)  
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

**PART III** INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

The Building Division doesn't have jurisdiction  
over clean up. (ENVIRO. HEALTH / APCD) IF  
GRADING IS REQUIRED BY ABOVE DETERMINATION A  
PERMIT WILL BE REQUIRED  
3/15/04 781-5709  
 Date Name BOB MORENO Phone

REF: 11/23/96/lj

G:\A\_files\General Plan Amendments\Fiscal 2003-2004\G030016L - Paso Pacific\Letters\Referral letter Paso Pacific.wpd

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600 • 1-(800) 834-4636  
 EMAIL: [jpcopl@slonet.org](mailto:jpcopl@slonet.org) • FAX: (805) 781-1242 • WEBSITE: <http://www.slonet.org/vv/jpcoplng>



**AIR POLLUTION  
CONTROL DISTRICT**  
COUNTY OF SAN LUIS OBISPO

4-60

DATE: March 23, 2004

TO: Jim Lopes, Development Review Section  
San Luis Obispo County Department of Planning and Building

FROM: Andy Mutziger *ASM*  
San Luis Obispo County Air Pollution Control District

SUBJECT: Paso Pacific Properties Land Use Amendment & for the Pacific Tank and  
Construction Relocation (G030016L)

Thank you for including the Air Pollution Control District (District) in the environmental review process. We have completed our review of the proposed relocation of the Pacific Tank and Construction Inc. operation from Paso Robles to 179954 East Highway 46 near Shandon. There are use restrictions on the property that need to be modified to allow the proposed metal fabrication, small scale manufacturing, construction contractors, and farm equipment and supplies. We have the following comments on the proposal.

**SPECIFIC COMMENTS**

The District appreciates this business move as it will reduce the vehicle miles traveled and associated emissions because Pacific Tank and Construction will be closer to the company tank manufacturing site in Fresno and closer to many of the rural customers for whom they will serve.

**Operational Phase Permitting**

District Rule 202 identifies that any person building or erecting equipment, the use of which may cause the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer. If painting operations will be part of the tasks accomplished at the 179954 East Highway 46 location, the company will have to apply for a permit with the District and implement Reasonable Available Control Technology to the coating operation. Contact David Dixon of the District's Engineering Division at (805) 781-5912 for assistance in this process.


Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

AJM/lmg

cc: David Dixon, APCD Engineering Division

H:\oisp\plan\response\2850.doc

3433 Roberto Court • San Luis Obispo, CA 93401 • 805-781-5912 • FAX: 805-781-1002  
info@slocleanair.org ♦ www.slocleanair.org

 printed on recycled paper

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415

PHONE (805) 549-3111

FAX (805) 549-3329

TDD (805) 549-3259

<http://www.dot.ca.gov/dist05>

4-61  
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APR 29 2004

Planning & Bldg



Flex your power!  
Be energy efficient!

April 26, 2004

SLO - 46 PM 51.40

Paso Pacific Properties

EX030016L - Amend

Land Use Ordinance

New Project Referral

Mr. Jim Lopes, Long Range Planning  
San Luis Obispo County Govt. Center  
Department of Planning & Building  
San Luis Obispo, CA 93408

Dear Mr. Lopes:

Thank you for submitting the Paso Pacific Properties New Project Referral. The California Department of Transportation (Department) Development Review Staff has reviewed the above referenced document and as result, the following comments were generated.

The Department requests that the applicant for this project be conditioned to perform a traffic study (prepared by a Licensed Traffic Engineer) to determine traffic related impacts to State Route 46. Due to the anticipated increases in the number of trips and the types of vehicles (e.g. large feed/alfalfa and steel tank component trucks) associated with those trips, the traffic study will need to document existing conditions, and existing + project conditions. Increases in trip generation (project peak hour trips) will need to be based on Institute of Traffic Engineer (ITE) Trip Generation, 7<sup>th</sup> Edition tables.

The traffic study will also need to verify if the geometrics of the existing left-turn channelization is sufficient enough to accommodate existing traffic plus the proposed project's traffic. Similarly, the study will need to document if right-turn channelization will be required. The traffic study will need to document the ambient (85<sup>th</sup> percentile) traffic speeds in a speed zone survey for this location. This will help gauge the appropriate length of the deceleration taper that may be needed for both the left and right-turn channelization.

"Caltrans improves mobility across California"

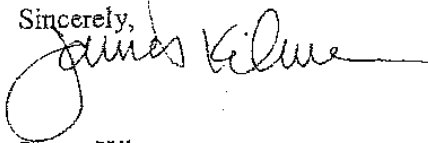
Mr. Jim Lopes  
April 26, 2004  
Page 2

4-62

The Department feels that requiring the applicant to perform the traffic study is a prudent course of action. Increased traffic volumes, high-speed traffic and the fact that this section of State Route 46 is a "Safety Corridor", dictates that all precautions be taken to insure the traveling public's safety.

Thank you submitting this New Project Referral for our review. If you have any further questions, please feel free to contact me at 549-3683.

Sincerely,



James Kilmer  
District 5  
Development Review

Enclosure/Attachment

cc: File, D. Murray, R. Barnes

*"Caltrans improves mobility across California"*



COUNTY OF SAN LUIS OBISPO

4-63  
RECEIVED  
JUN 08 2004  
Department of Agriculture/Measurement Standards Planning & Bldg

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556  
ROBERT F. LILLEY (805) 781-5910  
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035  
AgCommSLO@co.slo.ca.us

DATE: June 1, 2004  
TO: Jim Lopes, Planner III  
FROM: Lynda L. Auchinachie, Agriculture Department *off*  
SUBJECT: Paso Pacific Properties Land Use Ordinance Amendment G030016L (0849)

**Executive Summary**

The proposed Land Use Ordinance (LUO) amendment to change the existing limitation on use to allow for Metal Industries, Small Scale Manufacturing, Contract Construction, and Farm Equipment and Supplies would not result in significant impacts to on-site or adjacent agricultural resources or operations.

The following report is in response to your request for comments on the proposed Paso Pacific Land Use Ordinance Amendment. The comments and recommendations in our report are based on agricultural policies in the San Luis Obispo County Agriculture and Open Space Element and current departmental goals to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

**A. Project Description and Agricultural Setting**

The applicant is requesting to change the existing limitation on use to allow for Metal Industries, Small Scale Manufacturing, Contract Construction, and Farm Equipment and Supplies on an approximately 1.8 acre site within the Commercial Service land use category. The project site is located at 179954 Highway 46 East, approximately 2.6 miles northeast of the intersection of Highway 46 East and Highway 41 at Shandon. The applicant's intent is to serve the needs of the north county rural area. The surrounding properties are within the Agriculture land use category and have historically supported grazing and hay production activities. The majority of properties are under Williamson Act contract.

The 1.8 acre project site consists of Class I irrigated soil (Class IV non-irrigated) that have previously been developed with a towing service/storage yard and used car sales lot.

4-64

**B. Evaluation of Agricultural Issues**

***Introduction***

Our evaluation and comments concerning the proposed LUO amendment includes impacts to on-site and adjacent agricultural resources and operations. Projects which lead to the conversion of land capable of production agriculture, or causes a direct or indirect impact to adjacent agricultural lands are not supported.

***1. Impacts to On Site Agricultural Capability***

The proposal to allow additional uses on the 1.8 acre project site would not further impact/convert prime soils as the site has been previously developed with a towing service/storage yard and used car sales lot.

***2. Impacts to Adjacent Agricultural Lands***

Agricultural lands surround the project site. The properties have historically supported grazing and hay production activities. The proposed uses may create dust and pollutants if such practices as sandblasting and surface coating of metal are utilized. Such dust and pollutants may impact agricultural resources and operations. These type of activities often require permitting from the Air Pollution Control District (APCD). Such permitting aims to reduce impacts to surrounding areas. For these reasons, site specific development should be referred to the APCD. Additionally, the Agriculture and Open Space Element, Agricultural Policy 17: Agricultural Buffers, addresses such concerns in accordance with the agricultural buffer policy. Agricultural buffers and other mitigation measures may be needed to address dust concerns and should be determined by the Agriculture Department at the time development plans are submitted.

If we can be of further assistance please call, 781-5914.

7/14

→ Oyster Point unit: buffer L. Plan

Land: dust debris



Jun 30 04 11:07a Jamie Kirk

008-702 0700

4-65



Orosz Engineering Group, Inc.

1627 Calzada Avenue  
Santa Ynez, California 93460  
Phone/FAX 805-666-7814  
email oeg@quixnet.net

OEG Ref 060304

June 25, 2004

Mr. Rusty Pauls  
Pacific Tank and Construction  
P.O. Box 2298  
Paso Robles, CA 93447

Subject: Traffic Assessment for Proposed Relocation on Highway 46 East of Shandon

Dear Mr. Pauls:

In response to Caltrans comments on the proposed project, Orosz Engineering Group, Inc (OEG) has conducted this traffic assessment for the proposed project. We have visited the project site and have reviewed Caltrans comments.

There are two primary concerns identified by Caltrans. The first issue is regarding trip generation, comparing the existing site uses with the proposed site uses. The second issue is the adequacy of the left turn access into the project site.

#### Proposed Project Location

The proposed project is located on the northside of Highway 46 east of Shandon at Postmile 51.40 in the County of San Luis Obispo. The existing site contains a towing service, car sales office and storage facility. To the east of the project site, Highway 46 provides two vehicular lanes in each direction separated by a concrete barrier. To the west of the project site, Highway 46 narrows to one lane in each direction with a painted center stripe. The speed limit is 55 MPH and vehicles travel at or slightly above this speed.

#### Trip Generation

The existing site uses consist of a towing service, used car sales and storage of wrecked vehicles. Structures on-site consist of a 3,600 square foot shop/warehouse and 800 sf office. The best fit estimate of the existing trip generation is based on car sales ITE Code 841 and warehousing ITE Code 150. Using the trip generation data from the 7<sup>th</sup> edition of the ITE Trip Generation Reference (as requested by Caltrans), the existing site could generate approximately 45 trips per day with four AM and four PM peak hour trips.

The proposed project uses include a manufacturing facility and related offices. The best fit estimate for trip generation for the proposed project would be ITE Code 140 - Manufacturing. Using the same trip generation rate source, the proposed project is estimated to generate 19 trips per day with four AM and four PM peak hour trips.

Based on the similar trip generation for the existing and proposed uses, there would be no significant impact on the operation of Highway 46 in the vicinity of the project.

P.001/002

(FAX)805 238 7403

PACIFIC TANK & CONSTRUCTION

JUN-29-2004 (WED) 11:45

Jun 30 04 11:07 AM Jamie Kirk

4-66

Mr. Rusty Pauls  
June 25, 2004  
Page 2

Access

Access to the existing Highway 46 mainline will remain unchanged with the proposed project. There is an eight foot (2.4 meter) shoulder adjacent to the project frontage. This shoulder flares at the project driveway. A STOP sign is posted for traffic exiting the project site. Left turns from the highway are accommodated by the existing left turn lane. The sight distance is unobstructed in both directions.

With no change in the number of vehicles entering or leaving the site being anticipated, the existing access should operate acceptably. With the proposed project, approximately 20 trucks per week will deposit materials or deliver finished products to other destinations. These truck trips will occur during off-peak hours 9 AM to 3 PM Monday through Friday. Based on the frequency of the truck trips, no significant impacts are expected. Further as it is unlikely that more than one truck would be making a left turn into the site from the left turn lane at the same time, the existing left turn lane design would be able to accommodate the truck and not impede through traffic.

Conclusion

The proposed project is expected to result in approximately the same trip generation as the existing site uses. As such, the operation of the site access would remain unchanged. Based on the frequency of the off-peak hour truck trips, the existing left turn lane design should be adequate to store one truck and not block the adjacent through lane.

Should you have any questions, feel free to contact me.

Sincerely,

 7E1209  
Orsz Engineering Group, Inc

cc. Ms. Jamie Kirk, Kirk Construction and Consulting



P. 002/002

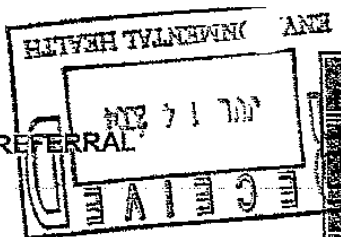
(FAX) 805 238 7403

PACIFIC TANK & CONSTRUCTION

JUN-30-2004 (WED) 11:45

4-67

PROJECT REFERRAL



AUG - 4 2004

DATE: July 12, 2004  
TO: County Department of Environmental Health  
FROM: Shawna Scott, Resource Specialist  
SUBJECT: Applicant: Paso Pacific Properties, LLC  
File Number: General Plan Amendment (G030016L)  
Conditional Use Permit (DRC2003-00094)

**MORRO**  
**GROUP, INC.**  
Environmental Services

**PROJECT DESCRIPTION:** Refer to attached Supplemental Development Statement.

**PART I** IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☐ YES (Please go on to Part II)

☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

**PART II** ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ NO (Please go on to Part III)

☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

**PART III** INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT", PLEASE INDICATE OR CALL 543-7095 extension 111.

*Please have Paso Pacific submit hazardous materials business plans to this office prior to final approval.*

Response Date: 7-30-04

Name: Kammi Salo

Please return this letter with your comments as soon as possible.

1422 MONTEREY STREET, SUITE C200 • SAN LUIS OBISPO, CA 93401 • (805) 543-7095 • FAX 543-2367

4-68



Helianthus, Inc.  
Geographical & Environmental Sciences  
11240 N. Rodco Drive  
Flagstaff, AZ 86004-1080  
PH: (928) 527-1265/FAX: (928) 527-0221

September 29, 2004

Pacific Tank  
P.O. Box 2298  
Paso Robles, California 93447  
PH: (805) 237-2929/FAX: (805) 238-7403

Re:  
Cockrum Garage  
17995 E Hwy 46  
Shandon, California  
Parcel or ID# 017-13-039

To Whom It May Concern,

As per the recommendation number three (3) of the Phase I Site assessment conducted by this company in August of 2003, the mentioned pit was opened on Tuesday, August 19, 2003 with Thomas N. Yanaga and Chris Cockrum in attendance. This pit was, at that time, identified as containing the mechanisms for a pneumatic hydraulic car hoist, utilized in the past for car repair.

Sincerely,

*Carol Haines*  
Carol Haines

4-69



Orosz Engineering Group, Inc.

1627 Calzada Avenue  
Santa Ynez, California 93460  
Phone/FAX 805-688-7814  
email oeg@quixnet.net

OEG Ref 060304

October 4, 2004

Mr. Rusty Pauls  
Pacific Tank and Construction  
P.O. Box 2298  
Paso Robles, CA 93447

Subject: Trip Generation Summary for Project Site on Highway 46 East of Shandon

Dear Mr. Pauls:

In response to County comments on the proposed project, Orosz Engineering Group, Inc (OEG) has conducted this trip generation summary for the variety of uses that are permitted under the zoning proposed for the project site.

#### Trip Generation

The existing site uses consist of a towing service, used car sales and storage of wrecked vehicles. Structures on-site consist of a 3,600 square foot shop/warehouse and 800 sf office. The best fit estimate of the existing trip generation is based on car sales ITE Code 841 and warehousing ITE Code 150. Using the trip generation data from the 7<sup>th</sup> edition of the ITE Trip Generation Reference (as requested by Caltrans), the existing site could generate approximately 45 trips per day with four AM and four PM peak hour trips.

The proposed project uses include a manufacturing facility and related offices. The best fit estimate for trip generation for the proposed project would be ITE Code 140 – Manufacturing. Using the same trip generation rate source, the proposed project is estimated to generate 19 trips per day with four AM and four PM peak hour trips.

The County has inquired on the potential changes that could occur within the zoning designation proposed for the project. The zoning proposed could result in a variety of land uses being permitted on the site. These include: Metal Fabrication, Small Scale Manufacturing, Ag Processing/winery, Warehousing, Caretaker and ancillary uses, Construction Contractor, and Farm Equipment Sales.

These uses generally fall into five general land use categories in the ITE trip generation data files - Light Industrial, Manufacturing, Warehousing, Vehicle Sales and Residential. Application of the trip generation rates for these land use codes to the site square footage proposed (4,400 square feet) would yield a range of traffic volumes that the site could expect. This summary is provided in Table 1. For the potential ag processing/winery use, data collected at a number of wineries was used to estimate the potential trips generated by the site.

4-70

Mr. Rusty Pauls  
October 4, 2004  
Page 2

Table 1  
Trip Generation Summary

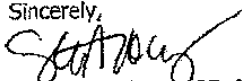
Land Use	Daily	AM Peak Hour	PM Peak Hour
Light Industrial	30	4	4
Manufacturing	16	3	3
Warehousing	22	2	2
Vehicle Sales	146	9	12
Ag Processing/Winery	16	0	2
Residential/Caretaker	10	1	1
Existing Site Uses	45	4	4
Proposed Project	19	4	4

Conclusion

The proposed project and zoning is expected to result in approximately the same or fewer trips being generated as the existing site uses. As such, the operation of the site access would remain unchanged. The only land use proposed that could generate more traffic than the existing uses is the vehicle sales use.

Should you have any questions, feel free to contact me.

Sincerely,

  
Stephen A. Orosz, PE, PTOE  
Orosz Engineering Group, Inc

cc. Ms. Jamie Kirk, Kirk Construction and Consulting

4-71

Table 1  
Trip Generation Analysis

Project Statistics		
4.4 Total Facility Size - Per 1000 sf		
employees (FTE)		
Acres of Vineyard		
1.8 acre site		
0.8 tasting room (KSF)		
cases per year (1000)		
ADT	TRIP RATES (Trips per unit)	PHT
2.49	Total Facility Size (ksf)	0.61
4.79	FTE	0.61
0.44	Vineyard Acreage	0.15
0.33	Property Acreage	0.11
44.45	Tasting Room Size (ksf)	4.79
1.85	Per 1000 Cases	0.46
ADT	PROJECT TRAFFIC	PHT
11	Total Facility Size (ksf)	3
0	FTE	0
0	Vineyard Acreage	0
1	Property Acreage	0
36	Tasting Room Size (ksf)	4
0	Per 1000 Cases	0
16	Average	2

4-72

EXHIBIT E

CORRESPONDENCE





# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

4-73

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

Dec. 15, 2003

TO:

Shandon Advisory

FROM:

No. County Team  
(Please direct response to the above)6030016/Pacific, LLC  
Project Name and Number

Development Review Section (Phone: 788-2009)

PROJECT DESCRIPTION: Remove existing use restrictions on Cockburn  
Garage parcel and allow allowable uses in the Commercial  
Service Zone.

Return this letter with your comments attached no later than: 12-26-03

## PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ NO

YES (Please go on to Part II)

NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

## PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO

YES (Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

## PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

SAC has held multiple discussions on this topic and there  
seems to be overwhelming support for this project. To12/26/03  
Date

Name

Victor Holanda

748-6500  
PhoneM:\PI-Forms\Project Referral - #216 Word.doc  
COUNTY GOVERNMENT CENTER

SAN LUIS OBISPO

CALIFORNIA 93408

Revised 4/4/03

(805) 781-5600

E-mail: planning@co.slo.ca.us

FAX: (805) 781-1242

WEBSITE: <http://www.slocoplanbldg.com>

4-74

Shandon Advisory Committee  
Post Office Box 92  
Shandon CA 93461-0092

October 12, 2002

Rusty Pauls  
Tom Yanaga  
Pacific Tank and Construction Inc.  
Post Office Box 2298  
Paso Robles CA 93447-2298

Rusty and Tom,

Thank you both for attending the Shandon Community Advisory meeting on October 2. We appreciate that you took time from your busy schedules to come to Shandon and inform the community about your project. We understand that you are contemplating the purchase of approximately 155 acres off of Hwy 46 behind the Cockrums Garage site. You want to relocate a metal tank fabrication facility to that location and would need approximately 10 acres rezoned from agricultural to a commercial or industrial use to facilitate that relocation.

Our advisory committee is only a liaison between the community of Shandon and the County of San Luis Obispo. Our area of influence are the boundaries of Shandon Unified School District. Your project is within that boundary. The advisory committee and the local residents of Shandon attending the October 2 meeting offered wholehearted support for your proposed project. We are, however, only an advisory committee and can only offer our opinion to county government, we decide nothing, and unlike yourselves we take no financial risk as to the outcome. We wish we could do more to affect the rezoning other than just offering you our support. Should you need us to attend any county meetings on your behalf please do not hesitate to contact us we would like to be part of the process.

Shandon residents liked your project for numerous reasons;

1 - Location, location, location!! We liked that the site is adjacent to Hwy 46 and that any truck traffic for your facility would not be routed thru our downtown. We also liked that you are right by Cockrums Garage and the old Tosco site. Although the property you are looking at is Ag. zoned it is in the vicinity of an existing commercial/industrial zoning. We in Shandon like the location as an enclave for other future business applications. There is no better location close to our town for such use. We do not wish to remain only a bedroom community. We like that others could be bringing their dollars to Shandon during their workday and we also like the idea of jobs for locals. Your defunct company San Luis Tank hired many a Shandon High graduate in it's day and we would look forward to your partnering with our school for apprenticeship possibilities.

4-75

2 - Money, money, money!! Your facility would triple or quadruple the tax revenues for that property. Once again, we want business in Shandon that bring dollars to our town. If you build it, hopefully, more commerce will come providing additional commercial/industrial jobs. That is a great location with great Hwy access and high visibility.

3 - Improvements !! The area is currently a highly visible eyesore what with the abandoned garage and abandoned refinery. Anything that you could do to improve the nearby property would be very much appreciated by those of us in Shandon.

Presumably industry will come to Shandon sooner or later. We in Shandon would like that to be sooner ~~than~~ later and we welcome the oppourtunity to have your company become part of our community.

Good luck as you endeavor to wade thru the processes involved and please keep us informed as to your progress. We have found our county supervisor Harry Ovitt and his aide Cliff Smith to be very helpful in guiding our committee thru proper channels in county government. I suggest you work with them as their guidance would be invaluable.

Sincerely,

Donna Ellis  
Secretary, Shandon Advisory

4-76

Shandon Advisory Committee  
Post Office Box 92  
Shandon CA 93461-0092

March 5, 2004

Board of Supervisors  
Rm 370, County Government Center  
San Luis Obispo, CA 93408-2040  
tarritt@co.slo.ca.us

Ladies and Gentlemen:

This letter is in support of the project being embarked on by Pacific Tank and Construction on their property located on Hwy 46, east of Shandon. This project has been discussed at length at our Shandon Advisory Committee meetings and has our absolute support. As far as the community is concerned, the benefits are many, while the negatives, if there are any, are few.

As you may or may not be aware, this project is taking place on property known by locals as the "Cockrum Garage" site, which was garage and wrecking yard condoned by the County. Although we have been told the permit was only for 5 vehicles, there were far more than that (50 would be a conservative number) in all forms of immobility present for many years. The Pacific Tank people have done a tremendous job of cleaning up this eyesore and we now have a relatively attractive location there. The location also differs, pleasantly, from most job sites in this area in that it directs traffic to the east of us, countering the dominant traffic flow.

The establishment of this sort of commercial/industrial economy in the Shandon area is welcomed with open arms. This diversification will only serve to strengthen our community's economy, which is traditionally agrarian based. Pacific Tank's predecessor, San Luis Tank, has hired many Shandon High School graduates in the past as welders. Pacific Tank has even been in discussions with the teachers at Shandon High regarding the donation of surplus material to the high school as well as the establishment of an ROP program.

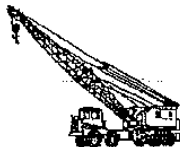
Projects like this will help diversify and balance Shandon's economy. The Board recently considered the allowance of developing up to 1500 homes in Shandon. If we are going to be a viable community, we must be allowed to have head of household type jobs located in the Shandon area, not be solely a "bedroom community." This project has the potential to create some of these jobs. Shandon is completely in support of this project and, in fact, would love to find more like it. Please support this project when it is brought to you, as we believe it is one step in the right direction for Shandon in many respects.

Thank you for your consideration,

Randy Diffenbaugh  
Secretary, Shandon Advisory Committee

4-77

Kennedy Maintenance & Repair  
Post Office Box 420  
465 Peaceful Valley Road  
Shandon, California 93461  
Office/Fax 805.238.4449



March 5, 2004

San Luis Obispo County Board of Supervisors  
San Luis Obispo County Planning Dept.

Dear Sirs,

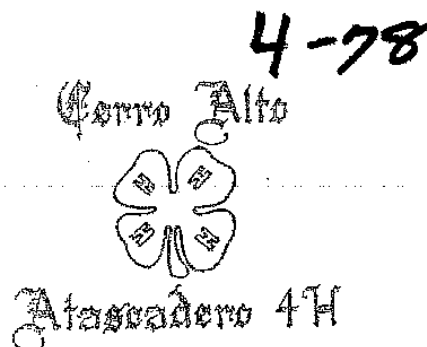
This is a letter of endorsement for Pacific Tank & Construction, Inc. I understand that Pacific Tank & Construction, Inc. is applying for a change in their use permit to include a welding shop at their facility at 17995 East Highway 46, Shandon, CA. I feel this would be of a great asset for the Community of Shandon. By Pacific Tank & Construction, Inc. moving their tank fabrication facility from Paso Robles, to the Shandon area it will bring an employee base that Shandon so badly needs.

I also know that Pacific Tank & Construction, Inc. supports the schools, and youth programs in the Paso Robles area. I am sure they will continue such activities for Shandon.

Please issue any and all permits required for their move to Shandon. It would be of a terrible loss for Pacific Tank & Construction, Inc. to move to another city out of our area.

Respectfully,

Mike Kennedy



March 4, 2004

Tom Ynaga  
Pacific Tank & Construction  
816 26<sup>th</sup> Street  
Paso Robles, CA 93446

Dear Tom:

On behalf of Cerro Alto 4-H Club of Atascadero I would like to thank you for your generous gifts to our youth organization. We greatly appreciate the time and expense you have put into helping our club projects over the last several years by building and then donating various equipment for our livestock projects. These items included tool racks for all livestock species, carding tables and show racks. Your gifts have been invaluable, especially for the youth exhibiting at the California Mid-State Fair. Thank you for your continued support. We truly appreciate it!

Sincerely,

*Evelyn M. Rockwell*

Evelyn M. Rockwell  
Community Leader  
Cerro Alto 4-H

I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, my health to better living for my club, my community, my country & my world.

Box 1, McMillan Cyn Road

4-79

(805) 238-3307

**White RANCH co.**  
GRAIN Shandon, Calif. CATTLE

March 4, 2004

Pacific Tank  
P.O. Box 2298  
Paso Robles, CA 93447

ATTN: Keith Bowers

Keith, I fully support your companys request to the SLO County Planning Department to add a welding shop use to your use permit on the property you purchased in the Shandon area. The property sure looks a lot better after you cleaned it up from the last owner.

Sincerely,

*Jerry White*

4-80

**Jack Ranch**  
76903 Cholame Valley Rd.  
Cholame, Ca. 93461  
805 463-2386

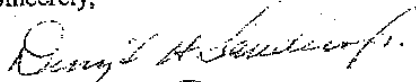
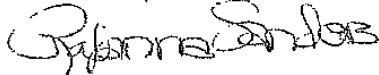
March 4, 2004

San Luis Obispo County  
Planning Commission

Dear Sirs,

Please accept this letter of support for the zoning change requested by Pacific Tank Construction, with regard to the property at 17995 Hwy 46, Shandon. As a neighbor, the Jack Ranch is in total support of the establishment of any shop facilities needed by Pacific Tank Construction. The property in question has been in complete disrepair and a terrible eye sore for years. Pacific Tank should be commended for the hard work and expense put forth in cleaning up the property. The Jack Ranch welcomes the company as a new neighbor. We believe granting this zoning change will only impact the area in a positive manner. Thank you for your time.

Sincerely,

  
  
Sonny & Roxanna Sanders, Mgrs.



4-81

February 19, 2004

Pacific Tank Construction:

Atascadero High Agriculture Department would like to thank your company for the metal you donated to the welding classes. The two tons of metal that you contributed to the students for learning a skill is greatly appreciated. In the future I hope we can rely upon people like you for further help.

Sincerely,



Jerry Dean  
Atascadero Agriculture Department  
Atascadero High School  
One High School Hill  
Atascadero, Ca 93422

4-82

Loretta Gale Morgan  
PO Box 3537  
Victorville, CA 92393-3537  
APNs: 017-130-048, 017-130-049, 017-130-050, & 017-130-052

February 26, 2004

Board of Supervisors  
San Luis Obispo County  
San Luis Obispo, CA

To Whom it May Concern:

I am the owner of record for the parcels of land located immediately north and east of what is generally called the 'Cockrum Garage.' When I purchased this land I saw the condition of this parcel and was concerned over the possible health and safety issues that the previous owners created on the property. As I was purchasing the land, I found out that a company was working on acquiring the 'Cockrum Garage' and intended on cleaning up the site and relocating an already established company to this location.

In the past few months I have been watching the cleanup and renovation that has been going on at the garage site and have been pleased with what has been done there. I am not opposed to this company getting the necessary permits that it needs to conduct its business from this site (APN: 017-130-039). Considering what was previously located at this site, the cleanup efforts by this company has been a great improvement for Shandon and the surrounding areas.

Positive impacts that I have seen include the continuation of jobs for local residents, property value improvement, and the removal of a health and safety hazard from a site that was readily apparent to visitors traveling along I-46.

Again, I am in full support of this company and wish to see them continue as my neighbors.

Sincerely,



Loretta Gale Morgan

Cc: files; Tony Cullum, Esq.

4-83

**HABITAT FOR HUMANITY  
FOR SAN LUIS OBISPO COUNTY**

Post Office Box 613  
San Luis Obispo, CA 93406  
805-782-0687 hfhsloco@kcbx.net

November 13, 2003

Pacific Tank  
Mr. Thomas Yanaga  
P.O. Box 2969  
Paso Robles, CA 93447

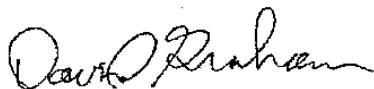
Dear Mr. Yanaga,

On behalf of the Board of Directors of Habitat for Humanity for San Luis Obispo County, our Partner Families, and volunteers, I would like to thank you for your donation of welding services to refurbish Habitat's site storage trailer. The trailer will be used on the building site of our next Habitat home in Cambria. We greatly appreciate your support.

We are making steady progress toward our goal of providing decent homes for people in need in our area. We have completed three Habitat homes in Paso Robles, and we held a "ground blessing" for our first house in Cambria on June 29. We will start construction in mid-November. We have submitted building plans to the County and will hear soon that we can start work. We have a second lot in Cambria and a lot in Los Osos and hope to build on them next year. We plan to reopen our ReStore building materials warehouse and thrift store later this year. It is through the compassionate support and goodwill of individuals, churches, and businesses throughout our county that Habitat's expanding venture of hope and love in action is possible.

May God bless you for your generosity.

Sincerely,



David G. Graham, BA. Treasurer  
Habitat for Humanity for San Luis Obispo County

No goods or services were provided in consideration, in whole or in part, for this gift. Please retain this letter for tax purposes. EIN #77-0434147.



4-84  
**S H A N D O N**

**JOINT UNIFIED SCHOOL DISTRICT**

101 SOUTH FIRST STREET, P.O. BOX 79, SHANDON CA 93461

MR. CHRIS CRAWFORD  
SUPERINTENDENT

TELEPHONE (805) 238-0286  
FAX (805) 238-0777

March 4, 2004

Rusty Pauls  
Pacific Tank  
816 26<sup>th</sup> Street  
Paso Robles, California 93446

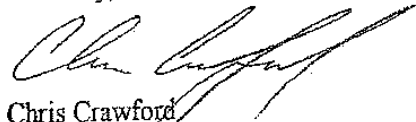
Dear Rusty,

As per our telephone conversation today, I understand your intent is to move your business into the Shandon area. We would be very interested in working out a mutual agreement where our welding students could receive on-the-job training to develop their career skills.

We are in support of this move that you are planning to make as it would be of great benefit to the Shandon community and students. If there is anything that the Shandon District can do to assist you in completing the process, please don't hesitate to contact me.

I look forward to hearing from you near the completion of your project so we can set up guidelines and arrangements for the fall class of students. Thank you for your interest in our district.

Sincerely,



Chris Crawford  
Superintendent



CDF/San Luis Obispo County  
Fire Department

635 N. Santa Rosa • San Luis Obispo • California, 93405

4-85

July 16, 2002

North County Team  
Department of Planning & Building  
County Government Center  
San Luis Obispo, CA 93408

Jim  
Lopes

## COMMERCIAL FIRE SAFETY PLAN

**Name: Paso Pacific Properties – Project Number: DRC2003-00094**

The Department has reviewed the fire safety plans submitted for the proposed metal fabrication and parts assembly project located at 17995 East Highway 46, Shandon, CA. The property is located within the moderate fire hazard severity area, and will require a minimum 5 to 10 minute response time from the nearest County Fire Station.

The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (2001 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:

### FIRE SAFETY DURING CONSTRUCTION

- Commercial and industrial type projects shall have installed, prior to the start of construction, water system and fire lanes.

### FIRE EXTINGUISHING SYSTEM

- The proposed project is recommended to install a commercial fire/life safety sprinkler system.

### FIRE ALARM SYSTEM

- The proposed project is required to install a total coverage heat/smoke alarm system.
- The system shall comply with NFPA Pamphlet 72.
- The system shall transmit to a central 24-hour monitoring point.
- Plans shall be submitted to the County Fire Department.

### PORTABLE FIRE EXTINGUISHER(S)

- Portable fire extinguishers shall be installed and comply with the California Fire Code.
- The contractor shall be licensed by the State Fire Marshal.
- The minimum requirements will be determined during the building permit/fire safety plan process.

### ROOF ACCESS

- The project shall provide vertical access to the roof from two points.
- Access can be provided by the use of landscaping or a fixed laddering system.
- Plans shall be submitted for approval to the County Fire Department.
- Presently the County Fire Department can provide a maximum 16-feet of vertical reach.

### WATER STORAGE TANK

- A minimum of "10,000" gallons of water in storage shall be required.
- Emergency water tanks shall have a(n):
  - automatic fill,
  - sight gage,
  - venting system,
  - The minimum water main size shall not be less than four (4) inches.

RECEIVED

JUL 21 2004

Planning & Bld

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

#### WATER SUPPLY CONNECTION

4-86

- Fire hydrant shall be located with a spacing of 50 to 150 feet from the buildings and not more than eight (8) from the access road.
- Fire hydrants shall have a minimum of one 2½-inch outlet with National Standard Fire thread.
- Signing: Each hydrant shall be identified by blue reflective dot.

#### ACCESS

- Access road width shall be 18 feet.
- The project shall provide a minimum 20-foot fire lane for emergency vehicle access.
- All road and driveway surfaces shall be all weather.
- All surfaces shall be constructed to meet a load capacity of 20 tons.

#### ADDRESSING

- Legible address numbers shall be placed on all structures.
- Legible address numbers shall be located at the driveway entrance.

#### FINAL INSPECTION

The project will require final inspection. Please allow five (5) working days for final inspection. When the safety requirements have been completed, call Fire Prevention at (805) 543-4244, extension 2220, to arrange for a final inspection. Currently South San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at [www.cdfislo.org](http://www.cdfislo.org) ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,

Chad T. Zrelak  
Fire Captain Inspector

C: Paso Pacific Properties  
Kirk Consulting

**EXHIBIT A - FINDINGS  
PACIFIC TANK & CONSTRUCTION (DRC 2003-00094)**

***Environmental Determination***

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Revised Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 14, 2004 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Hazards/Hazardous Materials, and Water Quality and are included as conditions of approval.

***Conditional Use Permit***

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use in the Commercial Service land use category and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the tank construction business will not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will be consistent with the character of the immediate neighborhood and not contrary to its orderly development because the tank construction business will occupy an existing Commercial Service site, be screened with additional landscaping, and will not conflict with surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project, because the project is located on Highway 46 East, a State highway constructed to a level able to handle any additional traffic associated with the project.

**EXHIBIT B – REVISED CONDITIONS OF APPROVAL  
PACIFIC TANK & CONSTRUCTION (DRC 2003-00094)**

*Note: Mitigation measures from the Revised Mitigated Negative Declaration (MND)  
are incorporated in the conditions with referencing notations.*

**Approved Development**

1. This approval authorizes a tank fabrication, construction and installation business *that is primarily for rural or agricultural applications or operations* on a 1.8-acre portion of a 10-acre site within an identified Commercial Service land use category. Signs shall be subject to a separate sign permit.
2. All development shall be consistent with the approved floor plan and architectural elevations, *and a revised site plan which is to show proposed operation areas, circulation, parking and landscaping and other pertinent required features.*

**Site Development**

3. ***Within 60 days of this approval***, submit elevations or product information that depicts the design, colors and materials of the proposed office building and of the waste enclosure. Colors shall be consistent with the existing structure and be subdued earth tones rather than white. Reflective surfacing shall not be utilized.
4. ***Within 90 days of this approval***, submit a landscape and fencing plan to the Department of Planning and Building for review and approval. The plan shall provide solid fencing and screening landscaping at the entrance and all sides, to screen the site and structures from public view from the existing and realigned Highway 46 East.
  - a. Solid fencing shall be shown on all sides of the site, at a minimum six-foot height, to be located outside a 10-foot landscape setback.
  - b. Extensive screening landscaping shall be shown within a 10-foot landscape setback on all sides of the project site, to be comprised of native and/or drought-tolerant shrubs and trees that are typical of or similar to the North County climate and the Shandon area.
  - c. Shade tree installations shall be shown to screen sixty percent of parking areas within 10 years of planting.  
(AE-1 of the MND)
5. ***Within 60 days after approval of the landscape plan***, landscaping in accordance with the approved landscaping plan shall be installed or bonded for. If bonded for, landscaping shall be installed within 60 days after final building inspection or start of operations and thereafter maintained in a viable condition in perpetuity, except that landscaping on the west side of the site may be bonded for installation at the time that the realignment of Highway 46 East commences in construction.  
(AE-1 of the MND)
6. ***Within 60 days of this approval***, the applicant shall provide details on all proposed exterior lighting, if applicable. The details shall include the type, height, location, and intensity of all exterior lighting. All lighting fixtures shall be downward directed and shielded at full cut-off so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.



7. ***Prior to completion of landscaping***, all utilities on-site shall be installed underground. Back-flow preventer and other related valves shall be installed inconspicuously within the limitations of the respective agencies and codes. Where necessary to install them within setbacks, they shall be screened with landscaping.
8. Site Surfacing shall be a minimum of four inches of decomposed granite in all outdoor use and storage areas, to be maintained in good and serviceable condition at all times.
9. ***Within 90 days of this approval***, 23 parking spaces shall be provided as shown on the site plan, to be marked and/or signed and provided wheel stops or concrete curbing in accordance with the Land Use Ordinance parking construction standards.
10. Removal of existing trees is not approved at this time; future removal of trees for this project shall be subject to first obtaining Planning Department review and approval.
11. ***Within 60 days of this approval***, Obtain an encroachment permit from Caltrans to allow access to and work to be done on state Highway 46 East, *or provide information that a permit is not required.*
12. **Upon the realignment of Highway 46 East and prior to closure of the existing alignment**, obtain an access easement across intervening property *if necessary* to the new aligned highway, and obtain an encroachment from Caltrans for access prior to completion of construction of the new alignment.

**Drainage/Water Quality/Hazardous Materials**

13. ***Within 90 days of this approval***, the applicant shall submit a drainage plan to the Public Works Department to provide drainage, erosion and sedimentation controls in compliance with Land Use Ordinance, Section 22.52.080.
14. ***Within 60 days of this approval***, the applicant shall submit documentation of a Waste Discharge Report (WDR) permit and/or National Pollutant Discharge Elimination System (NPDES) permit, and Stormwater Pollution Prevention Plan (SWPPP) meeting or exceeding all standards and requirements of the General Permit for Stormwater Discharges Associated with Construction Activity (Water Quality Order No. 99-08-DWQ) approved by the Regional Water Quality Control Board (RWQCB) and State Water Quality Control Board (SWQCB), or documentation from those agencies stating why these permits and plans were not required.  
(W-1 of the MND)
15. ***Within 60 days of this approval***, the applicant shall prepare a Hazardous Materials Business Plan and a Spill Prevention and Contingency Plan for the review and approval of the County Department of Environmental Health Services. The plans shall address an inventory of on-site hazardous materials, emergency response procedures, usage training, safe storage and handling, and spill prevention of oils, paint, and any other hazardous materials, and they shall meet or exceed all standards and requirements of the California Health and Safety Code, Chapter 6.95, Section 25500 and the California Code of Regulations, Title 19, Section 2729.  
(HM-1 of the MND)

### Air Quality

16. **During ground disturbing activities**, the applicant agrees to adhere to the following dust control measures:
  - a. Reduce the amount of the disturbed area where possible;
  - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
  - c. All dirt stock-pile areas should be sprayed daily as needed;
17. **Prior to final inspection**, the applicant shall submit copies of all Permit to Operate permits issued by the County of San Luis Obispo Air Pollution Control District (APCD).  
(AQ-1 of the MND)

### Fire Safety

18. **At the time of application for construction permits and prior to occupancy**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated July 16, 2002.
19. **Within 30 days of this approval**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

### Biological Resources

(BR1 - 11 of the MND)

20. **Within 60 days of this approval**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:
  - a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.5 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative (a.), requires that all aspects if this program must be in place before County permit issuance or initiation of any ground disturbing activities.
  - b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory

Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). Your fee, payable to The Nature Conservancy, would total \$3,750.00. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 1.5 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 1.5 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

- 21. The applicant shall retain a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:
  - a. **Within 30 days of this approval**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
  - b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diskings, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
  - c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. **Before commencing with project activities**, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance

on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- d. In addition, the qualified biologist shall implement the following measures:
  - (1). Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
    - i. Potential kit fox den: 50 feet
    - ii. Known or active kit fox den: 100 feet
    - iii. Kit fox pupping den: 150 feet
  - (2). All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
  - (3). If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.
22. **Prior to issuance of any grading and/or construction permit**, the applicant shall clearly delineate as a note on the project plans, that: *Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox.* In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of your Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.
23. Grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
24. **Within 30 days of this approval**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed and distributed to all contractors, employers and other personnel involved with the construction of the project.
25. **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar

materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

26. **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
27. **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
28. **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
29. **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.
30. **Prior to final inspection of landscaping**, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage, *unless an alternative is approved by CDFG*:
  - a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";
  - b. If a more solid wire mesh or a solid fence or wall is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Any fencing constructed after issuance of a final permit shall follow the above guidelines. (BR1-11 in MND)

**Site Operation**

31. The location of accessory site development, such as antennas, shall be located to minimize its appearance from Highway 46 East.
32. Storage of materials shall be maintained below the height of the solid fencing at all times.

**Miscellaneous**

33. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
34. ***Upon completion of landscaping and other required improvements***, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
35. This permit is valid for a period of 24 months from its effective date *to commence the use* unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070.
36. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.
37. The applicant shall as a condition of approval of this conditional use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents or employees, by a third party challenging either its decision to approve this conditional use permit or the manner in which the County is interpreting or enforcing the conditions of this conditional use permit, or any other action by a third party relating to approval or implementation of this conditional use permit. The applicant shall reimburse the county for any court costs and attorney's fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.
38. *Among other signs that are allowed by the Land Use Ordinance, one free-standing or monument sign is permitted, limited to a height of eight feet and an area of 32 square feet.*
39. ***Within 6 months of this approval, bring the mobilehome into conformance with County code or remove it from the site and restore the condition of its location to an undeveloped appearance.***